

By Mr. SMITH of Michigan: Petition of Battle Creek Local, No. 235, N. E. P. E., urging increase in pay for postal clerks; to the Committee on the Post Office and Post Roads.

Also, petition of 62 citizens of Michigan to repeal tax on patent and proprietary medicines; to the Committee on Ways and Means.

By Mr. SUMMERS of Washington: Petition of Charles E. Hicks, of Endicott, Wash., and others, asking repeal of the "stamp act" as it particularly affects the sale of drugs, medicines, toilet preparations, etc.; to the Committee on Ways and Means.

By Mr. WINSLOW: Petition of citizens of Worcester, Mass., in re passage of House bill 6810, a bill to prohibit intoxicating beverages, etc.; to the Committee on the Judiciary.

SENATE.

THURSDAY, July 24, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for coming more and more out of the shadow into the glorious light and life of the new day. The motives that Thou dost appeal to are the strength of life. The influences of Thy grace constitute life's glory. The revelations of Thy will are the deep and abiding purpose of the living. Grant us this day the influence of Thy spirit that we may discharge as men of God the duties that are upon us. For Christ's sake. Amen.

On request of Mr. BRANDEGEE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

RECLAMATION PROJECTS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, which will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 23, 1919.

To the Senate:

Through your Secretary, under date of July 17, I am in receipt of copy of a resolution, S. Res. 123.

The resolution calls for a large amount of information regarding details of the work of the Reclamation Service which will take some weeks to secure.

The matter will be taken in hand at once, and report made as requested as soon as possible.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

UNITED STATES SENATE,
Washington, D. C.

CURRENCY IN CIRCULATION (S. DOC. NO. 59).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, which will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
Washington, July 22, 1919.

The PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: In compliance with a resolution of the Senate of the United States of July 8, 1919, transmitted to me by the Secretary of the Senate under date of July 9, I submit the following:

Under the act approved May 30, 1908, commonly known as the Aldrich-Vreeland Act, as amended, additional or emergency currency was issued, beginning on August 4, 1914, in amount \$382,502,645. All of this additional circulation was retired before the close of the calendar year 1915. Authority for the issue of such additional or emergency currency expired by limitation on June 30, 1915.

No emergency currency has been issued by the Federal reserve banks. However, such banks have issued Federal reserve bank notes and Federal reserve notes in accordance with the provisions of law and under the general supervision of the Federal Reserve Board. None were outstanding August 1, 1914. The amounts of such notes in circulation on July 1, 1919, were:

Federal reserve bank notes	\$163,682,696
Federal reserve notes	2,493,992,462

The Treasury Department has no intention, nor, indeed, the power, to retire or withdraw from circulation any thereof, nor, as I am advised, has the Federal Reserve Board. The Federal Reserve System was devised to create an elastic currency which would expand and contract automatically in accordance with the requirements of business. Any reduction in the amounts of Federal reserve notes outstanding will be in accordance therewith. Federal reserve bank notes, for the most part, have been issued to replace silver certificates canceled and retired in accordance with the provisions of the act of April 23, 1918.

I transmit herewith a copy of the Treasury Department Circulation Statement for August 1, 1914, and July 1, 1919, showing the amount of money of the United States in circulation on the respective dates. Data are not available in the department with respect to the amount of money in circulation in the Territories and possessions of the United States.

Respectfully,

CARTER GLASS,
Secretary of the Treasury.

The VICE PRESIDENT. The communication and accompanying paper will lie on the table for the present and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 7413) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920.

The message also announced that the House agrees to the concurrent resolution of the Senate to print 50,000 copies of the treaty with Germany in the English text alone, and without maps, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 3754) to amend sections 8 and 21 of the copyright act, approved March 4, 1909, in which is requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7413) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920, and it was thereupon signed by the Vice President.

CALLING OF THE ROLL.

Mr. BRANDEGEE obtained the floor.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	France	Lenroot	Sheppard
Ball	Gay	Lodge	Smith, Ariz.
Bankhead	Gronna	McCormick	Smith, Ga.
Beckham	Hale	McCumber	Smith, S. C.
Brandegee	Harding	McKellar	Smoot
Capper	Harris	Moses	Spencer
Chamberlain	Harrison	Nelson	Stanley
Culberson	Henderson	New	Sterling
Cummins	Hitchcock	Newberry	Sutherland
Curtis	Johnson, Calif.	Norris	Swanson
Dial	Jones, N. Mex.	Nugent	Thomas
Dillingham	Kellogg	Overman	Trammell
Edge	Kenyon	Page	Underwood
Elkins	Kling	Phipps	Walsh, Mont.
Fall	Kirby	Polindexter	Warren
Fernald	Knox	Pomerene	Watson
Fletcher	La Follette	Robinson	Williams

Mr. SHEPPARD. The Senator from Wyoming [Mr. KENDRICK] is necessarily detained from the Senate.

Mr. KING. I wish to announce that the Senator from Maryland [Mr. SMITH], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Massachusetts [Mr. WALSH] are detained on official business.

The VICE PRESIDENT. Sixty-eight Senators have responded. There is a quorum present.

TREATY WITH FRANCE.

Mr. BRANDEGEE. Mr. President, as a member of the Committee on Foreign Relations, I ask the indulgence of the Senate for about 10 minutes to make a statement regarding a matter that I think is of considerable importance in relation to the pending treaty, if I may have the consent of the Senate to do so.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Senator from Connecticut will proceed.

Mr. BRANDEGEE. Mr. President, on July 10 the President appeared before the Senate and made the following statement. I read from page 2339 of the CONGRESSIONAL RECORD. He said:

I shall presently have occasion to lay before you a special treaty with France whose object is the temporary protection of France from unprovoked aggression by the power with whom this treaty of peace has been negotiated. Its terms link it with this treaty. I take the liberty, however, of reserving it, because of its importance, for special explanation on another occasion.

I received this morning through the mail a publication entitled Harvey's Weekly. There is an article on the first page of that publication entitled "President Wilson violates his own treaty." I will read it:

"Does President Wilson regard the Franco-American treaty as a mere scrap of paper? If not, why did he deliberately violate one of its most important provisions within a fortnight after he, as 'President of the United States,' and Mr. Lansing, as 'Secretary of State of the United States,' attached their official signatures to the agreement?"

"That he did that very thing there can be no question. Article 4 of the treaty reads:

"The present treaty will be submitted to the Senate of the United States at the same time as the treaty of Versailles is submitted to the Senate for its advice and consent to ratification."

"Submitted by whom? By the President himself, of course, who alone is empowered to submit treaties, who alone with the Secretary of State has a right to sign them, and who with the Secretary of State did sign this one. And it was as 'President of the United States of America' that he entered into this engagement with the duly authorized representatives of the

French Republic and gave in writing, under the great seal of this honorable Nation, that solemn pledge.

"Did he keep it? He did not. This is what he said and all he said respecting the treaty on July 10, when he submitted the treaty of Versailles to the Senate:

"I shall presently have occasion to lay before you a special treaty with France, whose object is the temporary protection of France from unprovoked aggression by the power with whom this treaty of peace has been negotiated. Its terms link it with this treaty. I take the liberty, however, of reserving it for special explication on another occasion.

"He did not submit the treaty; he did not divulge its terms; he did not even summarize it; he simply 'took the liberty' of violating it.

"Why? There must have been some reason for the incorporation of that particular provision in the Franco-American treaty. There is none such in the Franco-British treaty, wherein article 4 provides merely that 'the present treaty shall before ratification by His Majesty be submitted to Parliament for approval,' not coincidentally with the submission of the treaty of Versailles nor at any other specified time.

"How can this marked difference be accounted for? We can only conjecture, of course, but it is surely a fair presumption that the provision was not inserted at the instigation of the President, who would hardly have gone out of his way to bind himself unnecessarily to do a certain thing upon a certain day. Seemingly, then, the idea must have originated in the French Government.

"But why should M. Clemenceau have desired so particularly that the two treaties should be placed before the Senate simultaneously? Again we can only guess, but is it not reasonable to surmise that he, being aware of the coequal treaty-making powers of the Senate, felt that all interests, especially those of France, would best be served by presenting to that body both agreements as embodied in the two treaties at one and the same time, and thus enable it to consider and act upon each with full knowledge of what the other contained?

"Such procedure would possess at least the merit of frankness and open dealing and could not fail to impress the Senate favorably. It seems strange that the premier should not have taken for granted that the President would take this natural course, but being old and wise and prudent he apparently preferred to take no chances; so he put it in black and white, and the President signed the commitment.

"Why he subsequently broke his pledge is a matter of speculation. Perhaps he feared that one of the treaties might run crosswise to the other, or that the Senate might think that if one were ratified the other need not be. Then there was the question of the need of a special pact if the league were anything more than a shell. Discussion, involving close analyses and striking contrasts, at any rate would better be averted if possible; so all of M. Clemenceau's painstaking caution went for naught, and the presentation of full information to the Senate which he thought was assured was not made after all.

"Or it may be that there were things in the separate treaty itself which the President thought would better not be revealed at the moment. In any case, to the best of our knowledge, it has not yet been published in this country, which seems strange, if we are correctly informed that it has appeared in England, in view of the enterprise of our great newspapers in promptly presenting to their readers the texts of documents of such obvious importance, unless, of course, prevented by the censor.

"Anyhow, here it is:

"Whereas the United States of America and the French Republic are equally animated by the desire to maintain the peace of the world so happily restored by the treaty of peace signed at Versailles the 28th day of June, 1919, putting an end to the war begun by the aggression of the German Empire and ended by the defeat of that power; and

"Whereas the United States of America and the French Republic are fully persuaded that an unprovoked movement of aggression by Germany against France would not only violate both the letter and the spirit of the treaty of Versailles to which the United States of America and the French Republic are parties, thus exposing France anew to the intolerable burdens of an unprovoked war, but that such aggression on the part of Germany would be and is so regarded by the treaty of Versailles as a hostile act against all the powers signatory to that treaty and as calculated to disturb the peace of the world by involving inevitably and directly the States of Europe and indirectly, as experience has amply and unfortunately demonstrated, the world at large; and

"Whereas the United States of America and the French Republic fear that the stipulations relating to the left bank of the Rhine contained in the said treaty of Versailles may not at first provide adequate security and protection to France, on the one hand, and the United States of America, as one of the signatories of the treaty of Versailles, on the other: Therefore

"The United States of America and the French Republic having decided to conclude a treaty to effect these necessary purposes, Woodrow Wilson, President of the United States of America, and Robert Lansing, Secretary of State of the United States, specially authorized thereto by the President of the United States, and Georges Clemenceau, president of the

council, minister of war, and Stéphen Pichon, minister of foreign affairs, specially authorized thereto by Raymond Poincaré, President of the French Republic, have agreed upon the following articles:

"ARTICLE 1.

"In case the following stipulations relating to the left bank of the Rhine contained in the treaty of peace with Germany signed at Versailles the 28th day of June, 1919, by the British Empire, the French Republic, and the United States of America among other powers:

"ART. 42. Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometers to the east of the Rhine.

"ART. 43. In the area defined above the maintenance and assembly of armed forces, either permanently or temporarily, and military maneuvers of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden.

"ART. 44. In case Germany violates in any manner whatever the provisions of articles 42 and 43, she shall be regarded as committing a hostile act against the powers signatory of the present treaty and as calculated to disturb the peace of the world."

"may not at first provide adequate security and protection to France, the United States of America shall be bound to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany.

"ARTICLE 2.

"The present treaty, in similar terms with the treaty of even date for the same purpose concluded between the French Republic and Great Britain, a copy of which treaty is annexed hereto, will only come into force when the latter is ratified.

"ARTICLE 3.

"The present treaty must be submitted to the council of the league of nations and must be recognized by the council, acting, if need be, by a majority, as an engagement which is consistent with the covenant of the league; it will continue in force until, on the application of one of the parties to it, the council, acting, if need be, by a majority, agrees that the league itself affords sufficient protection.

"ARTICLE 4.

"The present treaty will be submitted to the Senate of the United States at the same time as the treaty of Versailles is submitted to the Senate for its advice and consent to ratification. It will be submitted before ratification to the French Chamber of Deputies for approval. The ratifications thereof will be exchanged on the deposit of ratifications of the treaty of Versailles at Paris, or as soon thereafter as shall be possible.

"The Franco-British treaty is substantially identical, with the exception that, instead of being 'bound to come immediately' to the assistance of France, like the United States, she merely 'agrees to come immediately.' Great Britain exempts all of her dominions from any obligation 'unless it is approved by the parliament of the dominion concerned,' and makes it a condition of her agreement 'that a similar obligation is entered into by the United States of America,' whereas the Franco-American treaty contains no such proviso as to the participation of Great Britain.

"We take pleasure in affording the Senate of the United States an opportunity to inspect this transcript of the Franco-American treaty, pending the arrival of the original, and we can not deny to it the additional privilege of meditating upon its amazingly quick violation by the President of the United States, who negotiated and executed it."

During the reading of the French treaty by Mr. BRANDEGEE, Mr. HITCHCOCK. Mr. President—
Mr. BRANDEGEE. I prefer not to be interrupted.
Mr. HITCHCOCK. Will the Senator merely answer a question?

Mr. BRANDEGEE. Provided it does not go into the RECORD. I do not want the reading of the treaty to be interrupted. I will answer the Senator at any other time. I will answer him now if he does not want it to go into the RECORD.

Mr. HITCHCOCK. I wish to know where the Senator got his copy of the treaty and whether it is an authentic copy. I hold in my hand an authentic copy, and it does not seem to conform with what the Senator is reading.

Mr. BRANDEGEE. Of course I am not vouching for this copy. I am reading from an article which appeared in the public press. If it is false, it ought to be denied. If the man has lied about it, he ought to be punished. If it is true, some other course ought to be taken.

Also before the conclusion of the reading by Mr. BRANDEGEE, a message was received from the President of the United States, by Mr. Sharkey, one of his secretaries.

Mr. BRANDEGEE. Probably that is the authentic copy.
The VICE PRESIDENT. The Chair will state to the Senator that it is.

Mr. BRANDEGEE. I see that it is sealed, while what I am reading is not; it is open.

After concluding the reading,
Mr. BRANDEGEE. Mr. President, the Committee on Foreign Relations and the Senate itself have passed several resolutions asking for information during the pendency of the peace treaty. No response whatever has been made to any of those requests. The President said to us that the Franco-American treaty and the peace treaty were linked together. If that is so, they ought to have been considered together.

The VICE PRESIDENT. The Chair deems it but just to state to the Senator from Connecticut that the Chair was mistaken about the nature of the treaty.

Mr. BRANDEGEE. Is it a matter of executive business?

The VICE PRESIDENT. It is a matter of executive business, but it is not the treaty.

Mr. BRANDEGEE. Then, of course, I will not inquire what it is. It appears, however, that I have not performed a work of supererogation entirely.

Mr. HITCHCOCK. Mr. President, may I make an inquiry of the Chair?

Mr. BRANDEGEE. Now I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I did not understand the statement of the Chair.

The VICE PRESIDENT. The Chair stated that the message of the President was not with reference to this matter.

Mr. HITCHCOCK. It is not as to this treaty?

The VICE PRESIDENT. It is not as to this treaty.

Mr. BRANDEGEE. Mr. President, I hope the Senator from Nebraska will put in the authentic copy later on. I have no doubt he has it.

When the President returned to this country last February he was kind enough to entertain the Committee on Foreign Relations at the White House. I had the pleasure of enjoying his hospitality and spent a very pleasant evening. During the course of that interview he stated that there had been four plans for a league of nations before the peace commission—a French plan; an Italian plan, which was, as he said, not so much in detail, but a mere skeleton plan; an American plan; and a British plan. Upon invitation, I took the liberty of asking him what became of the American plan, and he stated that it was laid aside. I asked him what plan was adopted, and he said the British plan; or perhaps he said, "Well, when I say the British plan, there was a plan proposed by Gen. Smuts, which was before the commission, and that was the substance of the plan we adopted, with some modifications."

I want to be perfectly fair about this statement. I do not think because it was a British plan that necessarily it was a bad plan at all; it may be the best that could have been devised, but I am stating what the President said. There was nothing confidential about it. I asked him if the American plan, which he had proposed to the commission, had been made public. He said it had not. I asked him if he saw any objection to having it printed and made public. He said he saw no objection. I then said I hoped that that would be done.

Well, in two or three days the President went back to Europe again. The Secretary of State also was in Europe. So I wrote to Mr. Frank L. Polk, who is a dear friend of mine and a splendid official, and I asked him if he would send me a copy of the so-called American plan to which the President had referred. Mr. Polk was away, being overworked, as most of us have been, by duties imposed upon us by the war and the attempt to make peace. After about 10 days I received this letter from him:

THE COUNSELOR FOR THE DEPARTMENT OF STATE,
Washington, April 18, 1919.

MY DEAR SENATOR BRANDEGEE: In my absence Mr. Phillips acknowledged your letter to me of April 3, reporting your conversation with the President on February 27 and requesting that a copy of the American plan of the league of nations be furnished to you, so that you may know what our representatives at the peace conference had recommended and that the plan may be made public.

A cablegram was sent to the mission on this subject, explaining that the department had not yet received a copy of the American plan to which you referred. I have to-day received a reply from the American mission stating that copies of the American plan will be brought back at the time of the return of the President and the mission to the United States.

The department has no copies of this plan, as the files of the peace mission are being kept together in Paris until the conclusion of the conference, and in the meantime the department is not receiving the draft proposals presented to the various committees and subcommittees.

Yours, sincerely,

FRANK L. POLK.

The Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

That is a perfectly straightforward and sufficient answer to me, so far as the State Department is concerned; but since the President has returned the Senate has passed a resolution asking for the American plan. We get no attention paid to it whatever; no response has been made to any request either of the Committee on Foreign Relations or of the Senate for information.

The President, having exercised his perfectly constitutional function of negotiating a treaty, appeared here and presented it to the Senate, his partner in the treaty-making power of this Nation. He made his argument in favor of it. He has performed his constitutional function, in my opinion. If he has anything more to say, he can appear before the Senate at any time and will always be courteously received. He can, of course, appear either in person or by his representatives before any committee of either or both branches of Congress, and will always be politely and courteously and gladly received; but, having tried his case before the jury, before the Senate, as his equal copartner in the treaty-making power, now he sends for the individual jurymen and wants to argue with each one of them separately. It is the Senate of the United States that is the partner of the Executive in the treaty-making power; and if there is any information further than what he conveyed I think he ought to come before the Senate and advise the Senate of it, or, at least, before the Committee on Foreign Relations, if he desires so to do. I think the country is entitled to this information; I think, before it can properly give consideration to this great treaty, which has been called "the establishment of new world orders," that the Senate and the people of America are entitled to more information than the mere ipse dixit of the President of the United States.

Mr. President, as I have said, this treaty has been published in London and Paris; it has been laid before the French Chamber of Deputies with article 4 in it, a part of the consideration upon which the French Government signed the treaty with us that it should be presented to the Senate at the same time the treaty of Versailles was presented.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Massachusetts?

Mr. BRANDEGEE. I do.

Mr. LODGE. Would it interrupt the Senator if I should make a brief statement?

Mr. BRANDEGEE. Not at all.

Mr. LODGE. When the Senator from Connecticut showed me this article before the assembling of the Senate, it seemed to me inconceivable that the fourth article should be there. I presumed the editor, Col. Harvey, was very accurate and careful, but it seemed to me simply inconceivable. I saw a copy of the London Times, which contains the fourth article as it appeared in the White Book, which was laid before the House of Commons, but I could not get a copy from private hands. However, at the club I found a copy of the French paper *Le Figaro*.

Mr. BRANDEGEE. A Paris paper?

Mr. LODGE. A Paris paper, *Le Figaro*, of July 3, and on the front page appears an article headed "Guarantee of the peace." It says:

Yesterday there was laid upon the table of the chamber the text of the pact or treaty of guaranty between France, the United States, and Great Britain, signed on the 28th of last June. It is as follows—

The date of the paper is the 3d of July, and the treaty was laid before the Chamber of Deputies on the 2d day of July. The paper then gives the two treaties in full. I find the fourth article as follows—I will read it in French, so that there can be no mistake, and then I will read it in English:

ART. 4. Le présent traité sera, avant ratification, soumis aux Chambres françaises pour approbation. Il sera soumis au Sénat des États-Unis en même temps que le Traité de Versailles sera soumis au Sénat pour avis et assentiment à la ratification.

The present treaty will be before ratification submitted to the French Chambers for approval. It will be submitted to the Senate of the United States at the same time the treaty of Versailles will be submitted to the Senate for its advice and consent to ratification.

The French language is extremely exact, and there is no question as to the terms of that treaty as submitted to the French Chamber and as submitted to the House of Commons.

There may be good reasons for paying no attention to the provisions of article 4, but as it was evident that it was put in by the French prime minister and M. Pichon, secretary of state for foreign affairs, with a very considerate feeling toward the Senate of the United States, I can not but regret that it was not laid before us at the same time as the treaty of Versailles, as the signed instrument required.

Mr. BRANDEGEE. Mr. President, I am not very familiar with diplomatic methods or with treaty making, but article 4 seems to me to be a rather unusual provision to be incorporated in any treaty. Ordinarily the commissioners, I should say, who would negotiate with each other would have a personal understanding about such a thing, but to embed it in an article in the treaty itself, which makes it a part of the consideration for the signing of the international contract, which is now signed so far as the executives of these great powers can attend to it, strikes me as rather an unusual proceeding. They can not

change it or alter its conditions. Of course, they may violate them, but the only way they can get article 4 out of the treaty, if it is in there—and I know nothing about it, except what I have seen in the newspapers and magazines; I am not permitted to know—is to reassemble the peace conference, reconsider their action, and make a new contract.

Here is article 4. I do not know whether or not it has been scratched out with a pen by somebody in this country. That would not take it out of the treaty or get it out of the contract. You can not get a hook out of your jaw in that way.

Mr. President, I do not read French, and so I could not understand what the Senator from Massachusetts read until he interpreted it, but I can read English. Here is the London Times, another copy of which you will find it very difficult to get in this country. The London Times office here has not got one. The Metropolitan Club, which has always subscribed for it, can not get a copy of the issue of July 4, although it should have been here on July 11 at the latest, seven days for the steamship passage being a good record now. Here is the "Thunderer," the London Times, of July 4:

The triple pact—

And the whole covenant is here; every Britisher knows about our treaty with France as well as their own, but we do not know about it, and can not.

The triple pact—Anglo-American promise to France—Terms of the treaties.

All the treaties are printed on page 16 of the London Times of July 4, which has not arrived in this country yet, except this one copy which I have. I secured it in a perfectly honorable and legitimate way, but one can not go down town and get a copy for love nor money. Here is article 4 exactly as the Senator from Massachusetts read it from the Figaro, of Paris:

The present treaty will be submitted to the Senate of the United States at the same time as the treaty of Versailles is submitted to the Senate for its advice and consent to ratification. It will be submitted before ratification to the French Chamber of Deputies for approval. The ratifications thereof will be exchanged on the deposit of ratifications of the treaty of Versailles at Paris or as soon thereafter as shall be possible.

That is an exact duplicate of what I read from Harvey's Weekly and of what the Senator from Massachusetts has read. Now, all the world knows about this treaty except we who are to be bound by it, and furnish the goods, and be the pack horse, and carry out the terms of it.

I ask, Mr. President, that as a part of my remarks the article to which I have referred, headed "The triple pact," be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

"THE TRIPLE PACT—ANGLO-AMERICAN PROMISE TO FRANCE—TERMS OF THE TREATIES.

"The text of the Franco-British and Franco-American treaties signed at Versailles on the day when the peace treaty was signed (June 28) is issued as a White Paper (Cmd. 221). These treaties are interdependent, and come into force only when both have been ratified by the legislatures concerned. The following is the text of the treaty between Great Britain and France 'respecting assistance to France in the event of unprovoked aggression by Germany':

"Whereas there is a danger that the stipulations relating to the left bank of the Rhine contained in the treaty of peace signed this day at Versailles may not at first provide adequate security and protection to the French Republic; and

"Whereas His Britannic Majesty is willing, subject to the consent of his Parliament, and provided that a similar obligation is entered into by the United States of America, to undertake to support the French Government in the case of an unprovoked movement of aggression being made against France by Germany; and

"Whereas His Britannic Majesty and the President of the French Republic have determined to conclude a treaty to that effect, and have named as their plenipotentiaries for the purpose; that is to say:

"His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India;

"The Right Hon. David Lloyd-George, M. P., first lord of his treasury and prime minister; the Right Hon. Arthur James Balfour, O. M., M. P., his secretary of state for foreign affairs.

"The President of the French Republic;

"Mr. Georges Clemenceau, president of the council, minister of war; Mr. Stephen Pichon, minister of foreign affairs;

"Who, having communicated their full powers, found in good and due form, have agreed as follows:

"ARTICLE 1.

"In case the following stipulations relating to the left bank of the Rhine contained in the treaty of peace with Germany, signed at Versailles the 28th day of June, 1919, by the British Empire, the French Republic, and the United States of America, among other powers:

"ART. 42. Germany is forbidden to maintain or construct any fortifications, either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometers to the east of the Rhine.

"ART. 43. In the area defined above the maintenance and assembly of armed forces, either permanently or temporarily, and military maneuvers of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden.

"ART. 44. In case Germany violates in any manner whatever the provisions of articles 42 and 43, she shall be regarded as committing a hostile act against the powers signatory of the present treaty and as calculated to disturb the peace of the world.

"may not at first provide adequate security and protection to France, Great Britain agrees to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany.

"ARTICLE 2.

"The present treaty, in similar terms with the treaty of even date for the same purpose concluded between the French Republic and the United States of America, a copy of which treaty is annexed hereto, will only come into force when the latter is ratified.

"ARTICLE 3.

"The present treaty must be submitted to the council of the league of nations, and must be recognized by the council, acting, if need be, by a majority, as an engagement which is consistent with the covenant of the league; it will continue in force until, on the application of one of the parties to it, the council, acting, if need be, by a majority, agrees that the league itself affords sufficient protection.

"ARTICLE 4.

"The present treaty shall before ratification by His Majesty be submitted to Parliament for approval.

"It shall before ratification by the President of the French Republic be submitted to the French Chambers for approval.

"ARTICLE 5.

"The present treaty shall impose no obligation upon any of the Dominions of the British Empire unless and until it is approved by the Parliament of the Dominion concerned.

"The present treaty shall be ratified, and shall, subject to articles 2 and 4, come into force at the same time as the treaty of peace with Germany of even date comes into force for the British Empire and the French Republic.

"In faith whereof the above-named plenipotentiaries have signed the present treaty, drawn up in the English and French languages.

"Done in duplicate at Versailles, on the 28th day of June, 1919.

[SEAL.]

"D. LLOYD-GEORGE.

[SEAL.]

"ARTHUR JAMES BALFOUR.

[SEAL.]

"G. CLEMENCEAU.

[SEAL.]

"S. PICHON."

"THE TREATY WITH THE UNITED STATES.

"The Franco-American treaty opens as follows:

"Whereas the United States of America and the French Republic are equally animated by the desire to maintain the peace of the world, so happily restored by the treaty of peace signed at Versailles the 28th day of June, 1919, putting an end to the war begun by the aggression of the German Empire and ended by the defeat of that power; and

"Whereas the United States of America and the French Republic are fully persuaded that an unprovoked movement of aggression by Germany against France would not only violate both the letter and the spirit of the treaty of Versailles, to which the United States of America and the French Republic are parties, thus exposing France anew to the intolerable burdens of an unprovoked war, but that such aggression on the part of Germany would be and is so regarded by the treaty of Versailles as a hostile act against all the powers signatory to that treaty and as calculated to disturb the peace of the world by involving inevitably and directly the States of Europe and indirectly, as experience has amply and unfortunately demonstrated, the world at large; and

"Whereas the United States of America and the French Republic fear that the stipulations relating to the left bank of the

Rhine contained in the said treaty of Versailles may not at first provide adequate security and protection to France on the one hand and the United States of America, as one of the signatories of the treaty of Versailles, on the other;

"Therefore the United States of America and the French Republic having decided to conclude a treaty to effect these necessary purposes, Woodrow Wilson, President of the United States of America, and Robert Lansing, Secretary of State of the United States, especially authorized thereto by the President of the United States, and Georges Clemenceau, President of the Council, Minister of War, and Stephen Pichon, Minister of Foreign Affairs, specially authorized thereto by Raymond Poincare, President of the French Republic, have agreed upon the following articles.

"Four articles similar to those of the Franco-British treaty follow. For the first article the words 'The United States of America shall be bound to come immediately to her assistance' take the place of the equivalent sentence in the Franco-British treaty. With the substitution of the words 'Great Britain' for 'United States of America' article 2 is identical. The wording of article 3 is the same as in the other treaty. Article 4 reads:

"The present treaty will be submitted to the Senate of the United States at the same time as the treaty of Versailles is submitted to the Senate for its advice and consent to ratification. It will be submitted before ratification to the French Chamber of Deputies for approval. The ratifications thereof will be exchanged on the deposit of ratifications of the treaty of Versailles at Paris or as soon thereafter as shall be possible."

Mr. BRANDEGEE. Mr. President, I thank the Senate for its indulgence, and beg its pardon for having trespassed so much upon its time. I am very much obliged.

Mr. HITCHCOCK. Mr. President, if I may have permission also for a few moments, I should like to make some comments on what the Senator from Connecticut has said.

In the first place, it seems to me like a tempest in a teapot to make such a hullabaloo over the discovery, apparently just made, of a treaty that has been in print for weeks, and which I have seen published in the United States. Many American newspapers published it three weeks ago. Millions of American people read it then and will smile at the Senator's discovery of it now.

In the second place, it seems to me, Mr. President, that some protest ought to be made here in the Senate against what seems to be a settled purpose on the part of a few Senators to criticize and discredit the President on all possible occasions, however trifling the subject of criticism may be.

Mr. President, what were the facts in this case?

When the President of the United States came before the Senate to lay before us the great treaty which must necessarily occupy the time and the attention of the Senate for weeks to come, he took occasion, in the midst of his address, to use this language:

I shall presently have occasion to lay before you a special treaty with France, whose object is the temporary protection of France from unprovoked aggression by the power with whom this treaty of peace has been negotiated. Its terms link it with this treaty. I take the liberty, however, for reserving it for special explication on another occasion.

Mr. President, is there any ground for charging a serious offense against the President of the United States? He made no concealment of facts. He stated in a few words what this treaty is; and the treaty may be read a hundred times, and no different analysis of the treaty can be made than the President makes in this paragraph.

Mr. BRANDEGEE. Mr. President—

Mr. HITCHCOCK. He submitted to the Senate in writing the great treaty which will be the subject of long discussion and great study—the treaty which is now before the Committee on Foreign Relations, and which necessarily must take up the chief time not only of the committee but of the Senate.

Mr. BRANDEGEE. Mr. President—

Mr. HITCHCOCK. I yield.

Mr. BRANDEGEE. I knew the Senator would, because I yielded to the Senator, and I knew he would return the courtesy.

The question is not whether the President made a summary of this treaty. Article 4 of the proposed treaty, unless the documents I have submitted are false, provides that he contracted with France to lay that treaty before the Senate at the same time he laid the treaty of Versailles before the Senate. Did he do it?

Mr. HITCHCOCK. Mr. President, the gist of the article to which the Senator refers is that the two matters shall be before the Senate at the same time.

Mr. BRANDEGEE. Is this the time? Are they here now?

Mr. HITCHCOCK. They will be here at the same time.

Mr. BRANDEGEE. Oh, in the limit, yes.

Mr. HITCHCOCK. We have the President's word that presently he will do this thing.

Mr. BRANDEGEE. When does "presently" arrive?

Mr. HITCHCOCK. It is not for me to say nor for the Senator to say. The President has made no promise to the Senate. He entered into an arrangement with France, and if there is any ground for complaint France and not the Senator from Connecticut has the right to complain.

Mr. BRANDEGEE. I am not complaining. I am calling attention to these articles. If there is any complaint about it, the American Nation and France, I guess, will make the complaint. It is immaterial to me what the Senator from Nebraska thinks about it.

Mr. HITCHCOCK. The Senator may not be complaining; perhaps not. What he is doing is carrying out a settled purpose to attack and criticize the President on every occasion, however slight.

Mr. BRANDEGEE. What I am doing is to try to get the President to treat the Senate as he wants to be treated himself.

Mr. HITCHCOCK. The Senator and his close associates for months have adopted a settled policy of nagging and discrediting the President of the United States while he was engaged in the stupendous work of negotiating this treaty; and, Mr. President, I want to call to the attention of Senators what has been one of the results of this settled purpose of a few Senators—and I am not charging all Senators on that side with this offense, because I know they are free from it.

What has been one of the outstanding effects of this attempt, this settled purpose to nag and discredit the representative of the United States in Paris? It has been to weaken his influence there; and when his influence has been weakened, when his power there has been affected by this systematic discrediting in the United States, and when he has been forced to give way to contentions on the other side, contentions of other countries, then the same Senators rise in their places here and condemn the President because he yielded.

Mr. MOSES. Mr. President, will the Senator yield to me for a question?

Mr. HITCHCOCK. I yield.

Mr. MOSES. Does the Senator from Nebraska think that if a different policy had been pursued in this country the President would have had sufficient force at Paris to withstand the Japanese and to prevent the shame of Shantung?

Mr. HITCHCOCK. Mr. President, I do not know what would have been the effect in relation to Shantung. I know, and the whole world knows, that the President of the United States stood over there single-handed and alone contending for ideals, contending for justice, contending for the things that the public opinion of the world justifies, contending for them against the material demands of the interested nations; and I know he would have been stronger if it had been known that the coordinate branch of the Government of the United States was behind him in his position. I know that the attempts made here to discredit him undoubtedly embarrassed him; and I say it comes with poor grace from Senators who thus sought to hamstring him and stab him in the back to stand upon the floor of the Senate now and criticize him because he was forced to yield at times and could not carry out all of the great purposes which he had in mind.

But, Mr. President, that is not all. The President is criticized because he has not at once and simultaneously laid these two treaties before the Senate. He is criticized because he did not make two speeches at once, at one and the same time, because he elected after giving due notice to present them on separate occasions, while they should both still be before the Senate of the United States.

But that is not all. Now the Senator from Connecticut rises in his place and condemns the President of the United States because he has sought personal interviews with Members of the Senate of the United States—

Mr. BRANDEGEE. No.

Mr. HITCHCOCK. And the President's act is likened to a man tampering with members of a jury charged with the solemn duty of trying a case.

Mr. BRANDEGEE. I do not think he could tamper with any of you.

Mr. HITCHCOCK. The Senator used that language.

Mr. BRANDEGEE. I did not.

Mr. HITCHCOCK. He used the language that the President was appealing to the individual members of a jury—

Mr. BRANDEGEE. I repeat it.

Mr. HITCHCOCK. A thing that is discreditable and, as the Senator knows, contrary to the law.

Mr. BRANDEGEE. I know that the President has sent for individual Senators after he has stated his case before the Senate, and he has done so for a purpose. If he is satisfied with it, I do not complain about it. He has not sent for me. If he does at any time, I will go always to consult with the President; but I have my own views about things. I do not object to his sending for you Senators or for anybody he wants to. It would seem to me that if he wanted to get his treaty through, and thought he had any information that would contribute to that purpose, he would send for the committee that has jurisdiction of it, and not for those who are not on the committee. Still, that is none of my business.

Mr. HITCHCOCK. Mr. President, one would think from the attitude taken by the Senator from Connecticut that Senators had never been sent for before. One would think that it is a disgraceful thing for the President to ask a Senator to come to meet him at the White House and discuss this treaty with him. Why should he not do it? Does he not do it on other occasions? Has not the very charge been brought against the President of the United States by the selfsame Senators who now criticize him that he neglected to consult the Members of the Senate?

Mr. BRANDEGEE. Not by me.

Mr. HITCHCOCK. That he failed to discuss matters with them?

Mr. BRANDEGEE. Not by me.

Mr. HITCHCOCK. That he kept them in the dark and refused to reveal to them the secrets of diplomacy?

Mr. BRANDEGEE. The criticism is that he keeps the Senate and the country in the dark; not the Senators, but the Senate.

Mr. HITCHCOCK. Well, that is a new charge. The Senator has heretofore criticized the President because he has withheld from Members of the Senate information which they were entitled to receive; and the Senator himself, while he was upon the floor, criticized the President because the President had not delivered to him personally something that he had asked for when he was enjoying the hospitality of the President at the White House.

Mr. BRANDEGEE. I did not. I stated that Mr. Polk said he did not have it. I do not know where it is. It may be over in Paris or somewhere else. I hope it is not lost, but I have my doubts.

Mr. HITCHCOCK. Well, I am authorized to say to the Senator that it will appear in due time—

Mr. BRANDEGEE. "Presently."

Mr. HITCHCOCK. And some of the vain imaginings which the Senator has indulged in as to this being a British league of nations will be dispelled if he takes the opportunity to read the articles in the league.

Mr. BRANDEGEE. I have disavowed the belief that it is a British league of nations. I simply accept the Senator's statement that the plan proposed by Gen. Smuts was the basis of the plan that was finally adopted. It was modified, I have no doubt. I do not claim that it is a British league of nations.

Mr. HITCHCOCK. Mr. President, I have about finished.

Mr. BRANDEGEE. I simply do not want the Senator to misrepresent me; that is all.

Mr. HITCHCOCK. I certainly would not care to misrepresent any Senator. I simply rise to protest against this continuation of the nagging policy, and to condemn the systematic effort being made to discredit and criticize the President of the United States on all occasions. At this time, it is true, it can not do the harm that it could heretofore. It defeats itself. He is here to take care of himself, and he will do it. He is now in the United States, and is, I think, doing the right thing when he is appealing to the individual Members of the Senate on both sides to support this treaty. He has the right to do it, and individual Senators have the right to talk to him; and the Senator from Connecticut is criticizing an individual Senator who goes to the White House as much as he is criticizing the President himself when he condemns that method of negotiation.

Mr. BRANDEGEE. Mr. President, I have just as good a right to criticize the Senator as the Senator has to criticize me; and I do not think either one of the criticisms will seriously affect the health of the person criticized.

Mr. HITCHCOCK subsequently said: A short time ago the Senator from Connecticut [Mr. BRANDEGEE] read into the RECORD a purported copy of the proposed treaty between the United States and France. He gave the impression to the Senate that it had not been given publicity in this country until it appeared in Harvey's Weekly which he held in his hand. I stated at the time that it was my impression that I had seen

the full publication in American newspapers. I have since verified that impression, and I ask leave now to incorporate in my remarks made at that time the statement that the treaty read to-day by the Senator from Connecticut as a great discovery of himself and Harvey's Weekly was brought to the United States through the agency of the Associated Press and was published broadcast in all of the leading papers in the United States. I hold in my hands a copy of the Evening Star of Washington, of July 3, containing a verbatim report on that date, several weeks ago, of the identical treaty which the Senator from Connecticut read here this morning as a great discovery. This is merely an illustration of the preposterous character of the mare's-nests which the enemies of the President discover from time to time.

Mr. MOSES. The Senate will be glad to know, Mr. President, that the columns of the newspapers replace adequately the official sources of information to which the Senate should have a proper recourse.

Mr. HITCHCOCK. Yes, Mr. President; but the charge was made here and the implication was conveyed that only the London Times carried this publication on July 3, and that a copy of the London Times was almost impossible to secure in this country; yet millions of intelligent people in the United States have read word for word what the Senator from Connecticut thus designated as impossible to secure.

Mr. SMOOT. I merely wish to ask the Senator from Nebraska if he now thinks that the treaty as read by the Senator from Connecticut is the same as the official treaty? The Senator said that he had a copy of the official treaty, and while the Senator from Connecticut was reading I understood the Senator from Nebraska to say that the official copy was not in conformity with the treaty which was being read by the Senator from Connecticut.

Mr. HITCHCOCK. I made no direct statement to that effect; but there are differences in phraseology between the copy which I secured from the State Department and the copy which the Senator from Connecticut read out of the newspaper this morning. The statement read by the Senator from Connecticut, however, was identical with what had been published by the Associated Press three weeks ago as a cablegram from Paris.

Mr. WILLIAMS. Mr. President, there is a great deal in old Æsop's fable about the wolf that wanted to quarrel with the lamb. The wolf first undertook to quarrel with the lamb because it muddled the water in the stream where both were drinking, and then when the lamb established the fact that it had crossed the stream below where the wolf was, and that the water from which the wolf drank had gone by, there was still no peace made by the lamb with the wolf. There are legislative wolves, some of them partisan or personal enemies of the President, as well as wolves of the real sort.

Mr. BRANDEGEE. Also lambs.

Mr. WILLIAMS. Yes; also folks subject to the malice visited on that lamb. The Senator seems to take a little exception to the word "nagging," so perhaps we had better say "scolding." He says he is not complaining—

Mr. BRANDEGEE. I am not complaining.

Mr. WILLIAMS. He says he is not complaining and criticizing, so he seems to be principally scolding; and he goes about it in a very shrewd way, characteristic of my friend from Connecticut. He compares the Senate to a jury hearing a case. Of course, he knows that the Senate is no jury. What was his object in using that phrase, and then saying that the President was talking to "the individual members of the jury" after the case had been heard? He knew that the assumption that the Senate is a jury is unfounded in fact. His object was simply to leave an impression or to insinuate an impression that the President had been guilty of doing something highly improper and sinister, as would have been the case with a lawyer who argued a case before a jury and then had gone into the jury room or somewhere else and talked to individual jurors about the case. A lawyer who would have done that ought to have been disbarred.

While the Senator made no such assertion and did not say that the President was guilty of any improper act, he is one of the smartest men I have ever known in my life, and he weighed fully why he should use that analogy; and he could not have used it for any purpose except what I have stated. A man in the habit of blundering into things—in the habit of blundering and stumbling—might have done so, but there is no man in this body who knows better whither he wants to go and how he wants to get thither and why he wants to get there than does the Senator from Connecticut.

Let us take up some of these lesser things he said. The Constitution uses the words that the President shall do certain things "with the advice and consent of the Senate" in connec-

tion with two subjects matter. One is appointments to office and the other is the making of treaties. The Senator accuses, by statement or innuendo, the President of doing something wrong because he consults with a part of the Senate—individual Senators—and “advises and consults” with them as a part of the Senate, and says that his duty is to consult with none of them except when he consults with the whole Senate, and lays down the proposition that that is the constitutional duty of the President. In addition to the fact that if his statement were true every President of the United States would have been guilty of violating the Constitution, it is not a logical and correct conclusion. I remember, and the Senator himself will remember, that President McKinley sent for Senator after Senator and talked to them when the Spanish-American treaty was hanging in the balance in this body, and he did exactly right. He had a right to act “with the advice and consent” of the Members of the Senate constituting the Senate. When it comes to a matter of appointment Senators do not take the view of “advice and consent” announced by the Senator. When it comes to “the advice and consent of the Senate” with regard to treaties they say the President must come here to this whole body every time; that he can not use any argument to one that he would not use to another. And yet when it comes to appointments for office there is no Senator who is not perfectly willing to go to the White House upon his own motion and “advise and consult” with the President about the appointment, making his own argument in his own way without any resolution of the Senate as “a constitutional body.” Why does he not carry the whole Senate with him to the White House every time he goes? Simply because it would be absurd and ridiculous and because nobody believes that there is any foundation for any sort of a position like that.

The Senator in another insinuation says the President in sending for these Senators “must be doing it for a purpose.” Of course he is doing it for a purpose. Thomas Jefferson was doing it for a purpose when he sent for Randolph and others to consult with them about the treaty with France for the acquisition of Louisiana. McKinley was doing it for a purpose when he sent for them to obtain ratification by the Senate of the Spanish-American treaty annexing the Philippines and hanging in the balance, as I said a moment ago, with a difference of one or two votes at the time. Did any of us accuse him of doing an improper thing? What was the purpose? A foul purpose, an unworthy purpose? No; it was the purpose of consulting with the other “partner,” as the Senator calls it, in the treaty-making power.

The only difference is that McKinley saw them in the interest of the accomplishment of a selfish national purpose of riveting to us and keeping a conquest, and Wilson has been seeing them in the interest of a broad world purpose of self-determination of the peoples and keeping that “peace on earth” which God blessed.

Mr. President, that is part of the duty of the President of the United States, and he is the sole judge of the manner in which he shall “consult and advise” with the Senate, whether in whole or part, because the Senate is nothing but a body of men made out of individual Senators.

At the beginning of this controversy some Senators were holding up the President to criticism, if not to obloquy, upon the ground that he would not and did not consult with Senators, that he went his way and paid no attention to the Senate, and not only did not appoint two or three self-denominated leading Senators as commissioners, so they could go to Paris and act under the limelight upon the great international arena, which was a fault, of course, but that he did not see them beforehand when he did things, and now they are criticizing him because he is seeing them after things have been done, not by him alone but by the five great leading powers and some score of other lesser powers.

Mr. President, I do not think that the President could any more satisfy five or six Senators in this body than that poor helpless lamb of Aesop's fable could have satisfied that other wolf. There is nothing the lamb could have said that would have satisfied the wolf, because what the wolf really wanted to do was to eat the lamb, and there is nothing the President could say to these Senators that would satisfy them, because their real purpose is to “eat him up,” as the wolf said to Red Riding Hood; I mean politically, of course, because I do not charge them with being cannibals. But while they are “eating him up” they are eating up a part of their own country's honor, a part of their own country's prestige, and a part of their own country's weight in the councils of the nations of the earth.

Then the Senator says that because article 4 of this French-American treaty provides that these two treaties are to be submitted to the Senate for their consideration at the same time,

therefore the President must in the same moment submit the two as indissolubly connected with one another and as virtually one instrument. He could not have done that if he wanted to. He would have had to submit one a few moments ahead of the other, anyhow, even if he was going to bring up both in the same speech. It is like saying that I do not give the Senate the benefit of my opinion because I started a speech this afternoon and the Senate takes a recess and I finish it on a different topic or subtopic to-morrow. These are not the same instrument. The agreement was not to submit them as the same instrument, but it was to submit them to the judgment and the sense of the Senate so that the Senate might at the same time have both of them under consideration. If the President submitted one last week and submits another one next week, all of us know that even if he shall do that the Senate will have both of them at the same time before it and under its consideration, considering one while not finished with consideration of the other. That is the common sense and the meaning of the obligation of the treaty in article 4. There is no other sense to be given to it unless it be from the standpoint of a narrow legalist.

Mr. FALL. Will the Senator yield for a question?

Mr. WILLIAMS. Certainly.

Mr. FALL. The Senator, of course, knows that the two treaties could have been laid before the Senate at the same time and that it need not have required five minutes more of the time of the President or any more of the time of the President to lay them before the Senate at the same time. Why was it not laid before the Senate? There must be some reason for it aside from the fact that the President wanted to make a long speech on the second treaty. What, in the opinion of the Senator, is the reason for it?

Mr. WILLIAMS. Mr. President, the President might have laid the two treaties before the Senate on the same day. He could not have done it at the same time. He might have laid them before the Senate during the same week. He might lay them before the Senate in the same month; but provided the Senate has both of them at the same time before it for its consideration, the meaning of article 4 has been complied with. The Senator asks me to tell him why the President did what he did.

Mr. FALL. Yes; that is it.

Mr. WILLIAMS. I can no more tell him why the President did this or that or the other than he can tell me, but I can venture a guess about it, which I imagine will be correct.

Mr. FALL. May I have the same privilege after the Senator concludes?

Mr. WILLIAMS. Of course; after I conclude you may have the floor.

Mr. FALL. I thank you.

Mr. ROBINSON. Mr. President—

Mr. WILLIAMS. Wait until I answer this question.

Mr. President, the only way you can judge other people is to judge them by yourself if in their place. If I had been President and had this to do I will tell you what would have led me to the course he pursued. I would have wanted time enough to explain this great league of nations and impress upon the Senate the importance of its adoption as a part of the great treaty of peace and to explain the treaty of peace itself, affecting the whole world, and I would not have wanted to take up so very long a time as would have tired and bored the Senate in a speech so long that the country would not have read it. I would, therefore, have taken up that question first; I would have put it before the Senate, and later, the next day or the next week or the next month, before that had been disposed of by the Senate and while it was still being considered by the Senate, I would have taken up the other and addressed myself to that in another short address, so that I would again not have run the risk of boring and exhausting the patience of the United States Senate and missing the concentrated attention of the people on the second subject matter.

And another reason: I would have wanted the country to receive the full impress of my reasons for advocating the ratification of the one treaty separately from the confusion that might have come about from presenting both issues at the same time. They are not parts of the same instrument, but are two separate instruments.

That is my answer to the Senator; but I can not tell him, of course, what actuated the President. I can only tell him what would have actuated me, just as he could tell the Senate what would have actuated him.

Mr. President, I will yield the floor.

Mr. ROBINSON. Mr. President, some days ago I gave notice that at the conclusion of the morning business to-day I would submit to the Senate some remarks touching the provisions in the treaty of peace relating to what is called Shantung. I did

not anticipate then that the morning business would be deferred for the discussion of general topics and for the discussion of a treaty of peace that is not before the Senate and that has not been submitted to the Senate by the President. I desire to say now that I will object to the transaction of any further business than the business which is regularly in order and that I will ask the indulgence of the Senate to proceed with my remarks as soon as the morning business has been concluded.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a communication from the National Women's Trade Union League of America, transmitting resolutions adopted in convention at Philadelphia, Pa., favoring the passage of the so-called civil-service retirement bill, the reclassification of salaries of Government employees, the system of savings by war-savings certificates and thrift stamps, the repeal of the law granting preference to discharged soldiers, sailors, and marines in the matter of Federal employment, and the passage of the proposed minimum-wage bill, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Supreme Council of the Mystic Order of Veiled Prophets of the Enchanted Realm, of Hamilton, N. Y., pledging their loyalty and allegiance to our flag and country, and favoring the enactment of legislation prohibiting the display of any flag not subservient to the Stars and Stripes, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the National Temperance Society and commission on temperance of the Federal Council of the Churches of Christ in America, favoring the enactment of legislation providing for the enforcement of war-time and national prohibition, which was referred to the Committee on the Judiciary.

He also presented the petition of Nathaniel Bacon, of Santee, Calif., praying that the Senate have printed and circulated the speech made by Daniel Webster in the House of Representatives on January 19, 1824, and also praying that the Senate consider and vote upon separately and severally each and every article of the proposed peace treaty with Germany, which was referred to the Committee on Foreign Relations.

Mr. EDGE. I present a resolution adopted by the Burlington County (N. J.) Board of Agriculture and Farm Bureau, emphatically protesting against the appropriation of \$500,000,000 to reclaim swamps, deserts, and cut-over lands. I move that the resolution be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. MOSES presented a memorial of the Polish Alma Mater Society and of the Polish Publishing Co., of Chicago, Ill., remonstrating against the enactment of legislation to prohibit the admission to the mails of any matter printed in a foreign language, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of Colombo Circle No. 256, C. O. F., of San Jose, Calif., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

He also presented a petition of Angelus Lodge No. 2004, Brotherhood of Railway Clerks, of Los Angeles, Calif., praying for Government ownership and control of railroads, which was referred to the Committee on Interstate Commerce.

Mr. McLEAN presented a memorial of Thomas F. Meagher Branch Friends of Irish Freedom, of Bridgeport, Conn., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Common Council of Bridgeport, Conn., favoring the recognition of the Irish Republic, which was referred to the Committee on Foreign Relations.

Mr. NEWBERRY (for Mr. TOWNSEND) presented a petition of Local Union No. 235, National Federation of Postal Employees, of Battle Creek, Mich., and a petition of sundry postal employees of Port Huron, Mich., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. TOWNSEND) presented petitions of sundry citizens of Michigan, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also (for Mr. TOWNSEND) presented petitions of sundry citizens of Charlotte, Lapeer, and Flint, all in the State of Michigan, praying for the repeal of the so-called "luxury" tax, which were referred to the Committee on Finance.

He also (for Mr. TOWNSEND) presented a memorial of the Ministers' Conference of Grand Rapids, Mich., remonstrating against the repeal of war-time and national prohibition, which was referred to the Committee on the Judiciary.

He also (for Mr. TOWNSEND) presented a petition of Local Union No. 10, Bricklayers, Masons, and Plasterers' International Union, of Albion, Mich., and a petition of Local Union No. 22, Cigarmakers' International Union of America, of Detroit, Mich., praying for the exemption from prohibition of 2½ per cent beer, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a memorial of sundry citizens of St. Johnsbury, Vt., and a memorial of sundry citizens of Pittsford, Vt., remonstrating against the establishment of a Department of Education, which were referred to the Committee on Education and Labor.

Mr. WALSH of Massachusetts presented memorials of employees of the Lincoln Twist Drill Co., of Taunton; of the Paris Paper Co., of the Lydia E. Pinkham Medicine Co., of the Lamson Co., of Boston; of Dodd & Williams, of Boston; of the Mountain Mill Paper Co., of Lee; of the Plimpton Press, of Norwood; of the Durable Wire Rope Co., of the Royal Curtain Manufacturing Co., of the Brown-Wales Co., of Ginn & Co., of Boston; of the Northeastern Leather Co., of the Cronkhite Co., of H. C. Whitcomb & Co., of Hilliard Merrill (Inc.), of Lynn; of Frank H. Davis, of the Puffer Manufacturing Co., of Winchester; of the Burgess Co., of Marblehead; of the Ewing Paper Mills, of Brown's Beach Jacket Co., of Worcester; of the Spencer Wire Co., of Walden-Worcester (Inc.), of Worcester; of Armour's Pattern Shop, of Worcester; of the Camel Mills, of Fall River; of the Valley Press, of Albert Russell & Sons Co., of Newburyport; of Bacheller & Spence, of Lynn; of the Columbian Rope Co., of Millar & Wolfer, of Chelsea; of the Conant Ball Co., of the Worcester Wind Motor Co., of the Pratt & Forrest Co., of the Richardson & Boynton Co., of the Paper Makers' Chemical Co., of Holyoke; of the Saeger Cut Sole Co., of Boston; of the Milton Bradley Co., of Springfield; of the Page Paper Box Co., of Chicopee Falls; of the Thomas D. Gotshall Shoe Co., of the A. H. Rice Co., of Pittsfield; of the Selden Worsted Mill, of Lawrence; of the Wottoquottoc Worsted Co., of Hudson; of the Thomas H. Logan Co., of Hudson; of the Maxf Grinding Wheel Corporation, of Chester; of the Superior Corundum Wheel Co., of Waltham; of the H. P. Cummings Construction Co., of Ware; of the Wilkins Paper Box Co., and of the Esleek Manufacturing Co., of Turners Falls, all in the State of Massachusetts, remonstrating against the repeal of the so-called daylight-saving law, which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 420) providing for the extension of time for the reclamation of certain lands in the State of Wyoming under the Carey Act (Rept. No. 103);

A bill (S. 428) for the relief of Thomas Sevy (Rept. No. 101);

A bill (S. 577) for the relief of the Southern States Lumber Co. (Rept. No. 102);

A bill (S. 578) providing for the survey of public lands remaining unsurveyed in the State of Florida, with a view of satisfying the grant in aid of schools made to said State under the act of March 3, 1845, and other acts amendatory thereof (Rept. No. 105); and

A bill (S. 2378) to authorize the issuance of patent to John Albert Thompson, and for other purposes (Rept. No. 104).

Mr. KENYON, from the Committee on Education and Labor, to which was referred the bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership and Federal aid therefor, reported it with amendments.

He also, from the same committee, to which was referred the bill (H. R. 2847) providing additional aid for the American Printing House for the Blind, reported it without amendment and submitted a report (No. 106) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 2605) for the permanent appointment as commissioned officers of certain former noncommissioned officers who were called to active service under temporary commissions be-

tween the dates of April 6, 1917, and November 11, 1918; to the Committee on Military Affairs.

A bill (S. 2606) to regulate pawnbrokers and their business in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HALE:

A bill (S. 2607) to provide for the purchase of a site for and the construction of a public building at York, Me. (with accompanying papers); to the Committee on Public Buildings and Grounds.

A bill (S. 2608) granting an increase of pension to George W. Brawn (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 2609) to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum not exceeding \$75,000 for the purpose of constructing and installing a municipal electric light and power plant and for the construction of a public-school building; to the Committee on Territories.

By Mr. SMITH of Arizona:

A bill (S. 2610) to provide for the disposal of certain waste and drainage water from the Yuma project, Arizona; to the Committee on Public Lands.

By Mr. SHERMAN:

A bill (S. 2611) granting an increase of pension to William Green; and

A bill (S. 2612) granting an increase of pension to Robert Wilson McClaughry; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 2613) for the relief of the owner of the steam tug *Eureka*; to the Committee on Claims.

A bill (S. 2614) for the relief of Francis M. Atherton (with accompanying papers); to the Committee on Military Affairs.

By Mr. GRONNA:

A bill (S. 2615) to grant one year's extra pay to the members of the military and naval forces of the United States as partial compensation for their sacrifices and to assist them during the period of readjustment; to the Committee on Military Affairs.

By Mr. FRANCE:

A bill (S. 2616) to repeal and reenact certain sections of "An act to provide for the Fourteenth and subsequent decennial censuses"; to the Committee on the Census.

By Mr. McKELLAR:

A bill (S. 2617) for the relief of the legal representative of Enoch Ensley, deceased; to the Committee on Claims.

By Mr. LENROOT:

A bill (S. 2618) to provide for the disposal of nonmetalliferous mineral deposits owned by the United States separate from the surface of the lands wherein they lie, and for other purposes;

A bill (S. 2619) to provide for the leasing of sodium and deposits of phosphates by the United States; and

A bill (S. 2620) to provide for the leasing of coal deposits owned by the United States outside of Alaska; to the Committee on Public Lands.

By Mr. HARDING:

A joint resolution (S. J. Res. 76) for the investigation of influenza and allied diseases, in order to determine their cause and methods of prevention; to the Committee on Public Health and National Quarantine.

By Mr. OWEN:

A joint resolution (S. J. Res. 77) to amend section 18 of the Indian appropriation act approved June 30, 1919; to the Committee on Indian Affairs.

PERIODICALS NOT PRINTED IN ENGLISH.

Mr. SMITH of Georgia. I introduce a bill and I ask that it be read at length.

The bill (S. 2604) to prohibit the use of the mails by periodicals and newspapers not printed in English, and for other purposes, was read the first time by its title and the second time at length and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That from and after October 1, 1919, it shall be unlawful to send through the mails any periodical or newspaper or publication in the shape of a pamphlet or circular printed in a foreign language which does not contain a translation into English, column for column and page for page, of such publication.

SEC. 2. That from and after January 1, 1925, it shall be unlawful to send through the mails any periodical or newspaper or publication in the shape of a pamphlet or circular which is printed in any language other than English.

SEC. 3. That it shall be the duty of the post-office officials to seize any publication sought to be sent through the mails in violation of the provisions of this act, and any person convicted of delivering any such publication to be sent in violation of the provisions of this act shall on conviction be punished with fine not to exceed \$1,000 or with imprisonment not to exceed one year, one or both, in the discretion of the judge hearing the case.

SEC. 4. That all laws or parts of laws in conflict with this act are hereby repealed.

TREATY WITH FRANCE.

Mr. LODGE. I offer the following resolution and ask for its present consideration.

The resolution (S. Res. 132) was read, as follows:

Whereas the President of the United States, in his address in the United States Senate on July 10, 1919, stated, as it appears on page 2339 of the CONGRESSIONAL RECORD:

"I shall presently have occasion to lay before you a special treaty with France, whose object is the temporary protection of France from unprovoked aggression by the power with whom this treaty of peace has been negotiated. Its terms link it with this treaty. I take the liberty, however, of reserving it, because of its importance, for special explication on another occasion;" and

Whereas said proposed treaty with France has been submitted to the Chamber of Deputies of the French Republic; and

Whereas a purported transcript of said treaty has been printed in a public journal in this country and appears in this day's RECORD of the proceedings of the Senate; and

Whereas article 4 of said treaty provides that "the present treaty will be submitted to the Senate of the United States at the same time as the treaty of Versailles is submitted to the Senate for its advice and consent to ratification:" Now, therefore, be it

Resolved, That the President is hereby respectfully requested, if not incompatible with the public interest, to transmit to the Senate the said proposed treaty with France, to the end that the Senate may consider said treaty in connection with the treaty of peace with Germany.

The VICE PRESIDENT. Is there any objection?

Mr. ROBINSON. I object to the present consideration of the resolution.

The VICE PRESIDENT. It goes over.

THE MEAT-PACKING INDUSTRY.

Mr. KENYON submitted the following resolution (S. Res. 134), which was read and referred to the Committee on Printing:

Resolved, That there be printed 7,000 copies of the Report of the Federal Trade Commission on the Meat-Packing Industry Summary, and Part I, Extent and Growth of Power of the Five Packers in Meat and Other Industries, 2,000 to be delivered to the Senate, 3,000 to the House of Representatives, and 2,000 to the Federal Trade Commission.

PRICES OF CATTLE AND SWINE.

Mr. HARRIS. I submit a resolution and ask that it be read and lie over under the rule.

The Secretary read the resolution (S. Res. 133), as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, directed to make an immediate investigation of the methods of purchase and prices paid for cattle and swine by persons and corporations engaged in the meat-packing industry, with particular reference to the discriminations, if any, operating to the disadvantage of live-stock producers in the Southern States, and to report as soon as practicable to the Senate the results of such investigation.

The VICE PRESIDENT. The resolution will lie over and be printed.

OFFICIAL REPORTERS OF DEBATES.

Mr. SMOOT submitted the following resolution (S. Res. 135), which was read and referred to the Committee on Printing:

Resolved, That Theodore F. Shuey and James W. Murphy are hereby appointed official reporters for reporting the proceedings and debates of the Senate until further order of the Senate, subject to all the duties and obligations of the contract made with D. F. Murphy, deceased, late reporter of the Senate, and to the supervision and control of the Committee on Printing on behalf of the Senate in all respects therein provided, and to receive payment for such service according to law.

HOUSE BILL REFERRED.

H. R. 3754. An act to amend sections 8 and 21 of the copyright act approved March 4, 1909, was read twice by its title and referred to the Committee on Patents.

PEACE AND THE LEAGUE.

Mr. GRONNA. Mr. President, I have here a brief editorial from the *Twin City Reporter*, an independent paper of wide circulation, which I ask may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PEACE AND THE LEAGUE.

"Peace has come!

"The league of nations is born!

"Hail the league!

"And look out for squalls.

"China, the yellow giant of the East, refused point-blank to sign the treaty. Discord No. 1.

"If the United States Congress refuses to sanction our entrance into the league, there will be discord No. 2.

"If it does, there will be discord No. 3.

"It's pretty much a case of 'be damned if you do and be damned if you don't.'

"The empty platitudes that have been wafted over the cables and over the wires anent the new-born freedom, the self-determination of races and peoples, will fall far short of bringing such peace to the world as the world desires.

"Ireland isn't feeling at all peaceful. Korea is far from being in a mood to pamper the pigeon of peace. China, with its 400,000,000 population, isn't clapping hands for joy. India, groaning under the weight of famine and war taxes, can't see the spot where we are told all eyes should focus. And so it is all over the world.

"The trouble lies not with the peace that has been made—not that it has been made—but in the manner of making it.

"The people—the citizenry—of no country have been consulted. The world was at war with Germany. Instead of making a peace with our enemy, we have embroiled the world in a league of nations. Instead of making peace with Germany, we have made enemies of half the world. Instead of one enemy, we will have a score. Instead of having one army of occupation, we will have to have a half dozen armies ready to become armies of occupation. And they tell us that the league of nations will bring a lasting peace to the world!

"The world wanted peace. We wanted peace. The world didn't want a league of nations. We didn't want it.

"The world had nothing to say about it. We will have nothing to say about it.

"A few old men met last winter in Paris, France. For months they argued and wrangled. The 'pitiless publicity' and 'open diplomacy' so valiantly promised failed to materialize. The 'home folks' were graciously permitted to guess at what was being done—they were never told.

"A league of nations plan was proposed by and agreed to among the old men. The 'home folks' weren't consulted. They were told just what the old men wanted to tell them, which wasn't much.

"But, among other things, they were told that the league of nations plan would make future wars impossible. Did the old men believe this? They did not.

"And because they did not, they agreed to enter into agreements among themselves.

"The world doesn't know to-day how many of these agreements were entered into. The world will not know until another war threatens. It will plod along under the obsession that the league of nations will prevent all wars. And then some day it will wake up to find that one of the private agreements entered into by the old men will supersede the league of nations plan. And there will be war and—an end to the league.

"The man in whose brain the idea of the league was formed signed the treaty under protest. Smuts, the Boer, protested but signed. It was his mind that first mapped out the present league plan. But at that the plan wasn't original. It has been tried out times innumerable and with always the same result—Failure!

"The old men whose hands held the power to bring forth the league knew the league would not, could not, prevent wars, so they endeavored to protect themselves by entering into other agreements. If the league were capable of protecting the human race from the red wave of war there would have been no need of these secret agreements.

"The ones who are so staunch in their support of the league of nations plan have evidently overlooked this fact.

"We have entered into an agreement to protect France from attack—from an 'unprovoked' attack by Germany—and Germany bled white and torn by internal strife, bankrupt, and impotent to govern herself!

"If there was anything in the league of nations plan that would prevent war, why was it necessary to enter into a separate agreement to protect France?

"If the nations of the world were to have 'self-determination'—the right to choose their own form of government, the right to enjoy national liberty—then why deny Ireland, Egypt, Korea, India, and the scores of other small nations and races that right?

"What is sauce for the goose is sauce for the gander. If the right of self-government—the right of self-determination—is the right of one nation, one race, one people, it is the right of all!

"If we turn the picture of Ireland with its 'face toward the wall,' if we throw up our hands when Korea pleads for national independence, if we roll our eyes in horror when India pleads for the right of self-government, what right have we to prattle of a self-determination for any race or people?

"If we enter into an agreement that Japan shall have and hold a part of the Chinese Empire-Republic's territory, what right have we to babble of a world freedom or a world democracy?

"But we have peace. The treaty has been signed. War with Germany has officially ended.

"With the coming of peace cometh the league of nations.

"Hail the league!

"And look out for squalls."

DEPARTMENT OF EDUCATION.

Mr. SMITH of Georgia. Mr. President, I desire to give notice that on Monday next, if an opportunity is afforded, I will address the Senate in reply to certain charges that have been made against Senate bill 1017, and especially to certain charges made in the baccalaureate address delivered on the 15th of June last at Georgetown University.

Mr. NORRIS. What is the bill?

Mr. SMITH of Georgia. It is the bill to create a department of education.

The VICE PRESIDENT. The morning business is closed.

JAPANESE INTERESTS IN CHINA.

Mr. ROBINSON. Mr. President, the treaty of peace which has been submitted to the Senate by the President and is now under consideration by the Committee on Foreign Relations is perhaps the most voluminous document of its character that has ever been written. It is not surprising that a number of provisions in this treaty should have been the subject of serious criticism. No question connected with the peace treaty has occasioned more discussion in the Senate and in the press than those which relate to what we know, somewhat inaccurately, as "Shantung."

The provisions in the treaty of peace respecting Japanese claims in Kiaochow have been the subject of serious criticism. Undoubtedly the controversy is associated with difficulties and confusion sufficient to justify differences of opinion among those who are disposed to give fair consideration to its terms and its effect. These provisions, however, have been repeatedly misinterpreted in the debates in the Senate and are, I believe, quite generally misunderstood. It is my purpose in addressing the Senate to-day to set forth what I believe to be the facts pertinent to a fair understanding of this controversy, and to relieve it from uncertainties and confusion resulting from erroneous and exaggerated statements calculated to arouse prejudice in the Senate and in the country.

MUTUAL CONFIDENCE THE BASIS OF AMITY BETWEEN NATIONS.

The discussion by the Senate of the peace treaty in open executive session meets with general approval. Reciprocal courtesy and confidence are the basis of amicable relations between nations. The history of the Japanese claims in Shantung does not justify the violent attacks on Japan which have occurred in the course of the debate in this body. I shall assume that good faith underlies the motives of all nations associated with this Government in the conduct of the war and shall refrain from intemperate criticisms of the policy or purposes of other nations.

The language in the treaty germane to the subject is contained in articles 156 to 158, inclusive. Germany renounces in favor of Japan all rights, titles, and privileges, including leased territory, railways, mines, and submarine cables in the Kiaochow region. The language of the treaty is as follows:

SECTION VIII.

SHANTUNG.

Article 156.

Germany renounces, in favor of Japan, all her rights, title, and privileges—particularly those concerning the territory of Kiaochow, railways, mines, and submarine cables—which she acquired in virtue of the treaty concluded by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

All German rights in the Tsingtao-Tsinanfu Railway, including its branch lines, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant, and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.

The German State submarine cables from Tsingtao to Shanghai and from Tsingtao to Chefoo, with all the rights, privileges, and properties attaching thereto, are similarly acquired by Japan free and clear of all charges and encumbrances.

Article 157.

The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connection with this territory, are and remain acquired by Japan free and clear of all charges and encumbrances.

Article 158.

Germany shall hand over to Japan within three months from the coming into force of the present treaty the archives, registers, plans, title deeds, and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial, or other, of the territory of Kiaochow.

Within the same period Germany shall give particulars to Japan of all treaties, arrangements, or agreements relating to the rights, title, or privileges referred to in the two preceding articles.

It is apparent that, in so far as the treaty is concerned, Japan's rights in Kiaochow are limited to only such territory, properties, and privileges as Germany possessed there.

ORIGIN OF GERMANY'S CLAIMS.

Little dispute arises as to the origin of Germany's claims.

Mr. OWEN. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Oklahoma?

Mr. ROBINSON. I yield to the Senator from Oklahoma.

Mr. OWEN. Mr. President, the statement which the Senator from Arkansas is making is one that has very great importance to the Senate itself and it ought to be understood. I think I am justified in making a point of no quorum, because the Shantung matter ought to be thoroughly understood by the Senate. Therefore I make the point of no quorum.

The VICE PRESIDENT. Does the Senator from Arkansas yield for the purpose?

Mr. ROBINSON. I yield.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harrison	Moses	Shields
Ball	Henderson	Myers	Simmons
Bankhead	Hitchcock	New	Smith, Ariz.
Capper	Johnson, S. Dak.	Newberry	Smith, S. C.
Chamberlain	Jones, N. Mex.	Norris	Smoot
Curtis	Kellogg	Overman	Spencer
Dial	Kenyon	Owen	Sutherland
Edge	King	Page	Thomas
Fletcher	Kirby	Phelan	Trammell
Gay	La Follette	Phipps	Walsh, Mass.
Gerry	Lenroot	Pittman	Walsh, Mont.
Hale	Lodge	Pomerene	Warren
Harding	McKellar	Robinson	
Harris	McNary	Sheppard	

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. ROBINSON. Mr. President, before the call of the Senate was ordered I had stated somewhat in detail that among the many provisions contained in the treaty of peace now under consideration by the Foreign Relations Committee of the Senate none had been the occasion of more discussion and of greater misunderstanding than the effect of the treaty respecting Japan's relations to Kiaochow. I had also stated that it is my object in the remarks which I shall submit to the Senate to attempt to state the true facts regarding the matter.

The years 1897 and 1898 marked an epoch in Chinese history. The great powers—Great Britain, France, Russia, and Japan—were seeking concessions from the Chinese Government and threatening aggression in Chinese territory. This combined pressure for concessions aroused strong antiforeign sentiment throughout China and culminated in the Boxer rebellion of 1900 and the promulgation by the United States, with the approval of Great Britain, of the "open-door policy."

OPEN-DOOR POLICY DEFINED.

The "open-door policy" asserted the right of all nations to equal commercial rights in China and the preservation of Chinese territory from aggression by any power.

The Boxer rebellion manifested the antiforeign sentiment of China by attacks on the legations of the various powers. The rebellion was suppressed by the combined efforts of France, Great Britain, Germany, Russia, Japan, and the United States. The "open-door policy" was concurred in by the various nations. China became suspicious of the good faith of all governments seeking concessions.

As a part of the movement of the nations mentioned to secure concessions in China, Germany in 1896 undertook negotiations for rights and privileges in the Kiaochow region. These negotiations were unsuccessful. In the following year, 1897, justifying her action as a punitive measure against China for the murder of two missionaries by residents of Shantung, Germany dispatched a naval fleet to the Bay of Kiaochow and took possession of its port, Tsingtau.

SOVEREIGN RIGHTS SECURED TO GERMANY BY TREATY OF MARCH 6, 1898.

March 6, 1898, Germany concluded a treaty with China by which she acquired a lease for 99 years of both sides of the entrance to the Bay of Kiaochow. There is some confusion as to the area of this leased territory. The representative of the National Geographic Society declares that it consists of only 123 square miles, whereas other authorities assert that the total land and water area leased is approximately 400 square miles.

A zone of 50 kilometers (a little more than 30 miles in width) surrounding the Bay of Kiaochow, designated by many writers as a neutral zone, was also created. China reserved the rights of sovereignty over this zone, but granted free passage through it to German troops and also extended other privileges in the zone to the German Government. China expressly agreed to abstain from the exercise of any sovereign rights in the ceded territory and agreed to the exercise of the same by Germany.

It has been stated by more than one Senator that by the treaty Shantung with its 40,000,000 inhabitants is wrested from China and presented to Japan. Shantung is a little larger than either Iowa or Wisconsin. It has a total area of 55,984 square miles and a population estimated at 40,000,000.

The territory involved in this controversy is limited to a small land area of approximately 200 square miles and an equal water area. The population of Tsingtau in 1914 was estimated at 34,000. The total population of the leased area is approximately 200,000. This is one illustration of the inexcusable misrepresentations which have characterized the discussion of the subject.

Only a small portion of Shantung, embracing but 200,000 inhabitants, is involved, and yet critics of the treaty declare that the whole of Shantung, with its 40,000,000 people, is taken from China and given to Japan.

The confusion respecting the rights of sovereignty as defined by the treaty between China and Germany arises from a failure to distinguish between the neutral zone and the ceded territory, which embraced, according to what I believe the best authorities, a land area of 208 square miles and a water area consisting of the entire Bay of Kiaochow, of approximately 200 square miles more.

China agreed that Germany might construct two railways and operate mines within about 10 miles of the lines, one of which was to extend from Tsingtau to Tsinganfu, a distance of 250 miles.

Let me call attention now to the terms of the treaty, which make clear the distinction between the ceded territory and the neutral zone, and which also define or throw light upon the rights of sovereignty as expressed in the treaty:

ARTICLE 1. His Majesty the Emperor of China, guided by the intention to strengthen the friendly relations between China and Germany, and at the same time to increase the military readiness of the Chinese Empire, engages, while reserving to himself all rights of sovereignty in a zone of 50 kilometers (100 Chinese li) surrounding the Bay of Kiaochow at high water, to permit the free passage of German troops within this zone at any time, as also to abstain from taking any measures or issuing any ordinances therein without the previous consent of the German Government, and especially to place no obstacle in the way of any regulation of the watercourses which may prove to be necessary.

Thus you will see that while by article 1 China reserved the rights of sovereignty in the zone, she agreed that as to the zone she would not exercise that right in the making of ordinances except with the consent of the German Government. That relates solely to the status of the zone.

His Majesty the Emperor of China at the same time reserves to himself the right to station troops within that zone, in agreement with the German Government, and to take other military measures.

Thus by article 1 the zone already mentioned was created, and as to this zone China reserved the rights of sovereignty, but granted to Germany free passage of troops and the regulation of watercourses.

ART. 2. With the intention of meeting the legitimate desire of His Majesty the German Emperor that Germany, like other powers, should hold a place on the Chinese coast for the repair and equipment of her ships, for the storage of provisions and materials for the same, and for other arrangements connected therewith, His Majesty the Emperor of China cedes to Germany on lease provisionally for 99 years both sides of the entrance of the Bay of Kiaochow. Germany engages to construct, at a suitable moment, on the territory thus ceded, fortifications for the protection of the buildings to be constructed there and of the entrance to the harbor.

By article 3 China agrees to abstain from exercising rights of sovereignty in the ceded territory and leaves the exercise of the same to Germany. The language is as follows:

ARTICLE 3.

In order to avoid the possibility of conflicts, the Imperial Chinese Government will abstain from exercising rights of sovereignty in the ceded territory during the term of the lease and leaves the exercise of the same to Germany within the following limits:

1. On the northern side of the entrance to the bay: The peninsular bounded to the northeast by a line drawn from the northeastern corner of Potato Island to Loshan Harbor.
2. On the southern side of the entrance to the bay: The peninsular bounded to the southwest of a line drawn from the southwesternmost point of the bay lying to the south-southwest of Chiposan Island in the direction of Tolosan Island.
3. The island of Chiposan and Potato Island.
4. The whole water area of the bay up to the highest watermark at present known.
5. All islands lying seaward from Kiaochow Bay which may be of importance for its defense, such as Tolosan, Challenchow, etc.

The high contracting parties reserve to themselves to delimitate more accurately, in accord with local traditions, the boundaries of the territory leased to Germany and of the 50-kilometer zone around the bay, by means of commissioners to be appointed by both sides.

Pursuant to that last clause, the territory leased was delimited. I have had made the best map that is obtainable respecting the subject. The exterior boundary of the leased territory, as finally delimited, is a somewhat irregular line, the greater portion of the land area being to the right of the bay

entering it. The city of Tsingtau is embraced within the leased territory. Outside of the leased territory, and as distinct from it as two subjects can be, is the so-called neutral zone, approximately 30 miles in width. The interior boundary of the neutral zone is more or less irregular, being the exterior boundary of the ceded territory.

Thus it appears that as to the zone qualified sovereignty was reserved in China, subject to certain German rights and privileges, while as to the ceded territory China expressly agrees to abstain from exercising rights of sovereignty and leaves the exercise of the same to Germany.

The right of Germany to exercise sovereignty in the ceded territory is made obligatory by the provision:

The Chinese population dwelling in the ceded territory shall at all times enjoy the protection of the German Government.

And so forth.

That sovereignty over the water area of the bay was vested in Germany is conclusively shown by the language:

Chinese ships in the bay shall not be subject to any restrictions other than those which the Imperial German Government, in virtue of the rights of sovereignty over the whole of the water area of the bay transferred to Germany, may at any time find it necessary to impose with regard to ships of other nations.

What clearer proof of sovereign rights in Germany could appear than these express provisions recognizing absolute rights of sovereignty in the ceded territory, including both the land and the water areas?

The language:

As regards the establishment of Chinese custom stations which formerly existed outside the ceded territory but within the 50-kilometer zone, the Imperial German Government intends to come to an agreement with the Chinese Government—

and so forth, shows the plain distinction between sovereignty in the zone and sovereignty in the ceded territory.

The declaration made during debates in the Senate that no sovereign rights passed from China to Germany by the treaty and the statement also made in the Senate and elsewhere that all sovereign rights were reserved by China is contradicted by the express language and plain implications of the treaty itself.

LEGAL EFFECT OF THE TREATY.

It is asserted by critics of the treaty that the compact between Germany and China is of such a nature that the declaration of war against Germany by China had the effect of abrogating its provisions and restoring to China all rights which she had granted to Germany. Passing over for later consideration the agreement of China to any arrangement which Japan might make with Germany respecting these rights, which agreement with Japan was made before China declared war, let us consider whether even in the absence of any such agreement with Japan the declaration of war by China would have terminated German rights.

No exact precedent can be cited for the reason that the convention of March 6, 1898, in which China leased Kiaochow to Germany and granted her sovereign rights within the leased territory is the first instance in which the effect of such a treaty has arisen.

An examination of the provisions of the treaty shows that while the lease is for 99 years Germany is vested with the exclusive right of government during that period, both as to the water area and the land area leased. Germany, without doubt, had the power and the right to establish a military and a naval base in the leased territory. She would probably have done this and she would have conducted military and naval operations from Tsingtau if Japan had not rendered this impossible by driving the Germans out.

While the outbreak of war canceled political treaties of a temporary nature between the belligerents it would seem that such a treaty as that between China and Germany, in which China agreed to accept the status of other nations with which Germany was at peace, in so far as the leased territory is concerned, would not be abrogated ipso facto by the outbreak of war between China and Germany. At least, it may be asserted that the status of the leased territory was such that Germany actually anticipated attack there by the Allies while China remained neutral.

JAPAN'S CLAIMS.

That Germany regarded her rights in Shantung as subject to seizure by the allied nations at war with her is disclosed by her efforts to anticipate their occupation of the leased territory. Prior to the attack by Japan, Germany made frantic efforts to effect a temporary transfer of the leased territory and the railways to some neutral power other than China. This attempt on the part of Germany to preserve her rights in Kiaochow was closely followed by the action of Japan, with the knowledge and approval of France and England, in sending to Germany the ultimatum of August 15, 1917, demanding

that Germany relinquish the leased territory and abandon all claims in China. Undoubtedly Japan acted from the beginning in concert with the enemies of Germany.

When Germany refused the ultimatum, Japan, on August 23, declared war on Germany, and immediately blockaded Tsingtau. Having seized the railway line and established a base at Laushan, on the border of the leased territory, Japan laid siege to the garrison of 4,600 German troops with an army of 20,000, and after two months' hostilities received the surrender of Tsingtau. She has remained in possession of the leased territory and of the German property from the fall of Tsingtau, November 7, 1914, until the present.

When Japan attacked Germany in Kiaochow, China created a war zone embracing the area of actual hostilities. Some months after the surrender of the Germans to Japan, China announced that this war zone would be abolished. Japan thereupon submitted to China the 21 demands, some of which related to Kiaochow, and after protracted negotiations the Chinese Government agreed to recognize any settlement which Japan might make with Germany upon the restoration of peace respecting the rights, interests, and concessions possessed by Germany in the Province of Shantung.

The treaty concluded May 25, 1915, in so far as it relates to the subject under discussion, is as follows:

TREATY RESPECTING THE PROVINCE OF SHANTUNG.

(Signed at Peking May 25, 1915.)

His Majesty the Emperor of Japan and His Excellency the President of the Republic of China, being desirous to maintain the general peace of the Far East and to further strengthen the relations of amity and good neighborhood existing between the two countries, have resolved to conclude a treaty for that purpose, and to that end have named their plenipotentiaries; that is to say:

His Majesty the Emperor of Japan, Mr. Eki Hioki, Jushi, second class of the Imperial Order of the Sacred Treasure; His Majesty's envoy extraordinary and minister plenipotentiary to the Republic of China, Mr. Lu Cheng-Hsiang, Chung-Ching, first class of the Order of Chia-Ho,

Who, after having communicated to each other their respective full powers, which were found to be in good and due form, have agreed upon the following articles:

ART. 1. The Chinese Government engage to recognize all matters that may be agreed upon between the Japanese Government and the German Government respecting the disposition of all the rights, interests, and concessions which, in virtue of treaties or otherwise, Germany possesses vis-à-vis China in relation to the Province of Shantung.

ART. 2. The Chinese Government engage that, in case they undertake the construction of a railway connecting Chefoo or Lungkow with the Kiaochow-Tsinan Railway, they shall, in the event of Germany's surrendering her right of providing capital for the Chefoo-Weihsen railway line, enter into negotiations with Japanese capitalists for the purpose of financing the said undertaking.

ART. 3. The Chinese Government engage to open of their own accord, as early as possible, suitable cities and towns in the Province of Shantung for the residence and trade of foreigners.

ART. 4. The present treaty shall take effect on the day of its signature.

The present treaty shall be ratified by His Majesty the Emperor of Japan and by His Excellency the President of the Republic of China, and the ratifications thereof shall be exchanged at Tokyo as soon as possible.

In witness whereof the respective plenipotentiaries have signed this treaty, made in duplicate in Japanese and in Chinese, and have hereunto affixed their seals.

Done at Peking the 25th day of the fifth month of the fourth year of Taisho, corresponding to the 25th day of the fifth month of the fourth year of the inauguration of the Republic of China.

[SEAL.]	(Signed)	EKI HIOKI,
		Etc., Etc., Etc.
[SEAL.]	(Signed)	LU CHENG-HSIANG,
		Etc., Etc., Etc.

Concurrently with the execution of the treaty a note was issued by the Japanese minister at Peking by which Japan agreed, if given at the close of the war free disposal of the leased territory at Kiaochow Bay, to return the leased territory upon four conditions. This note is as follows:

PEKING, May 25, 1915.

MONSIEUR LE MINISTRE: In the name of the Imperial Government I have the honor to make the following declaration to your excellency's Government:

If upon the conclusion of the present war the Japanese Government should be given an absolutely free disposal of the leased territory of Kiaochow Bay, they will return the said leased territory to China subject to the following conditions:

1. Opening of the whole of Kiaochow as commercial port.
2. Establishment of a Japanese settlement in the locality to be designated by the Japanese Government.
3. Establishment, if desired by the powers, of an international settlement.
4. Arrangements to be made before the return of the said territory is effected between the Japanese and Chinese Governments with respect to the disposal of German public establishments and properties and with regard to the other conditions and procedures.

I avail, etc.,	(Signed)	EKI HIOKI,
		Japanese Minister at Peking.

His excellency Mr. LU CHENG-HSIANG,

Chinese Minister for Foreign Affairs.

(Mr. Lu Cheng-Hsiang is now head of Chinese delegation at Paris.)

Thus it appears that Japan first obtained possession of the ceded territory and of the German properties by act of war,

and while in possession of the same secured the agreement of China to recognize any settlement which she might make with Germany, upon the restoration of peace.

Subsequent events establish the fact that Japan, having wrested by force from Germany the rights and properties of whatever nature Germany acquired from China by the treaty of March, 1898, and having secured China's agreement to recognize a cession of these rights and properties from Germany, Japan negotiated with her allies, England, France, and Russia, to secure their promise to support her claims to German rights in Shantung.

JAPAN WILL RESTORE TERRITORY TO CHINA.

The United States, through the Lansing-Ishii notes, agreed that Japan, by reason of her proximity to China, has special interests there. By the Lansing-Ishii agreement Japan unqualifiedly recognizes the right of China to territorial integrity. Japanese statesmen have repeatedly reaffirmed the purpose to return the ceded territory to China as soon as it can be accomplished in accordance with the provisions of the agreement between China and Japan. There can be no doubt that Japan is bound by every consideration of honor and by executory obligations of unmistakable import to return this territory to China.

Viscount Uchida, Japanese minister of foreign affairs, in an address on January 21, 1919, stated that Kiaochow would be returned to China in accordance with the terms of the agreement on May 25, 1915.

Baron S. Goto, former minister of foreign affairs for Japan, made the same statement in New York May 6, 1919.

The Associated Press reports from Paris, April 30, 1919, are to the same effect.

Baron Makino, one of the Japanese peace delegates, confirmed this purpose on the part of Japan to restore the ceded territory in an interview on April 30, 1919.

The Japanese ambassador issued the following statement:

[From the New York World, May 16, 1919.]

ISHII SAYS JAPAN FAVORS OPEN CHINA—AMBASSADOR ALSO DECLARES HIS NATION AND UNITED STATES HAVE NO CONFLICT IN INTERESTS, DESPITE TONE OF PRESS.

WASHINGTON, May 15.

"I am an optimist about the relations between Japan and the United States, whatever may be the tone of the press, because there is no real conflict of interest."

This statement was authorized to-day by Viscount Ishii, the Japanese ambassador. The ambassador said Japan is in hearty accord with America on the principle of the open door and equal opportunity, not only in China but in Siberia also.

Discussing the relations between Japan and the United States, Viscount Ishii said:

"The only important question now is especially in regard to the so-called Shantung question. The best way to treat this question is to expose before the American public the true facts of the case, as the facts explain themselves."

EXPLANATION OF SHANTUNG.

"In 1898 China granted to Germany a 99-year leasehold on Kiaochow, in the Province of Shantung. The lease included the Bay of Kiaochow and its surrounding district, together with mining concessions along the Tsingtau-Tsinan Railway, which railway also was granted to Germany. Thus Germany acquired from China two kinds of concessions: First, the territorial leasehold, and, second, some concessions of an economic character."

"After Japan had driven the Germans from the Shantung Peninsula, following a two months' siege, Japan took the initiative and offered to surrender to China the German leasehold upon the transfer to Japan by right of conquest of the said leased territory being consented to by Germany in the peace conference. Japan's voluntary offer to restore it to China, was, of course, of the greatest advantage to China, as China was entirely powerless to recover by her own means her territorial sovereignty in Shantung for 75 years more."

WAS MOST ADVANTAGEOUS.

"The treaty of 1915 placed China in a position to recover this important advantage without sacrificing either blood or treasure. Therefore, the treaty of 1915 was not an unfair transaction, but was exceptionally advantageous from China's point of view. So far as the territorial integrity of China is concerned, it is for these reasons entirely in favor of China."

"There remains a second kind of concession, the economic concession, which Japan was to retain in her hands as in the days of German occupation. Here again Japan's good will toward China went so far as to offer to withdraw her civil and military administration from the railway zone by withdrawing troops and police forces and making the Tsingtau-Tsinan Railway a joint enterprise of Japan and China instead of an absolutely foreign administration, as it was under German occupation."

"When Japan took possession of Kiaochow by force of arms in 1914, China remained neutral. Japan's action in Shantung even met with protest from China. Since November, 1914, Japan has occupied Kiaochow and the railway zone from that port to Tsinan, the capital of the Province, by right of conquest. Three years afterwards—namely, in 1917—China declared war against Germany. But the declaration of war remained on paper only, there being no German forces in China then, and China having sent none of her forces abroad. China's declaration of war could not possibly change the state of things which has existed since 1914."

Mr. POMERENE. May I interrupt the Senator?

Mr. ROBINSON. Certainly.

Mr. POMERENE. The Senator from Arkansas has referred to the proposition which was made by the Japanese Government to the Chinese Government, I think, in 1915.

Mr. ROBINSON. Yes, sir.

Mr. POMERENE. He has also referred to promises which have been made since that time not only by Japanese statesmen publicly but to a statement which was made by the Japanese commissioners to the other peace commissioners whereby they promised the return of this territory under the terms and conditions to which the Senator has referred.

Mr. WILLIAMS. The treaty of 1915.

Mr. POMERENE. I say that preliminary to asking the question: Has any peace commission ever made any statement to the contrary or has any Japanese statesman ever made any statement to the contrary or is there any information to the effect that Japan does not intend to carry out these pledges which she has made?

Mr. ROBINSON. It would be impossible, Mr. President, for me to say that no statement has ever been made by any Japanese statesman contrary to the statement which I have read. Okuma is reputed to have made a statement at one time relating to the rights which Japan claimed by virtue of having taken this territory and property from Germany, in which it was asserted that he had denied there was any obligation upon the part of Japan to return the territory. I have not that statement. That related solely to the claim of Japan independent of the treaty and based on conquest.

If China insists upon breaching the treaty herself—the treaty under which she has a right to the return of the property—Japan will be compelled either to abandon her claims there or to rely upon her alleged conquest. If China breaches the treaty by which Japan voluntarily agreed to return the leased territory, China, of course, can not insist upon a return of the territory under the treaty which she herself breaches.

I will now continue the statements made by Japanese statesmen touching the purpose of Japan to carry out the obligations of the treaty of 1915, if permitted to do so.

The Marquis Kimmochi Saionji, in an interview published in the Outlook in 1919, said:

Japan has solemnly promised to give back the leased territory of Kiaochow and to restore Shantung to China in full sovereignty, except a little land at Tsingtau for establishing a Japanese settlement, and Japan will keep her word. I do not need to defend that word from any innuendo. Japan has always kept her international agreements and her honor is above reproach.

The statement by Mr. Debuchi, chargé d'affaires, published with comments by Mr. Oliver Owen Kuhn in a recent issue of the Washington Evening Star, is fairly illustrative of the Japanese viewpoint concerning this subject:

CHINA RESTORATION WITHIN SIX MONTHS HOPE OF JAPANESE—SHANTUNG SETTLEMENT CERTAINLY NOT LATER THAN YEAR, SAYS KATSUJI DEBUCHE—NIPPON SEEKS TO WORK WITH UNITED STATES IN FAR EAST—CHARGE D'AFFAIRES OF WASHINGTON EMBASSY DISCUSSES POSITION AND DESIRES OF HIS COUNTRY IN SHANTUNG.

(By Oliver Owen Kuhn.)

That Japan, if not within a period of six months, will be able perhaps within one year to comply with the treaty provision with China and restore Kiaochow and all heretofore German-controlled territory in Shantung to China, is the opinion of Katsuji Debuchi, chargé d'affaires of the Japanese Embassy in Washington.

In elaboration of Japan's position in Shantung, Mr. Debuchi, who has been carrying the burden of embassy affairs since the departure of Ambassador Ishii, made it clear that he has no desire to enter denials of charges made by the Chinese for the mere sake of waging propaganda in the interest of Japan, because some of his best friends are Chinese statesmen of note. Neither did he wish to be placed in position of replying directly to the charges which have been made by certain Members of the Senate in regard to far eastern affairs. He simply desired to make the truth of the Shantung situation known to the American people, for, with the truth known, much of the criticism now directed against Japan might disappear. Mr. Debuchi was for a long period connected with the Chinese division of the Japanese foreign office and served in high official position at the Japanese legation in Peking. He is thoroughly conversant with the cross tides of Chinese political affairs and the international complications that have arisen in far eastern events, particularly as they bear upon the relations of Japan and China.

WANTS ONLY GOOD RELATIONS.

"There is a will of providence," he said, "in the relations between the United States, Japan, and China, all washed by the same waters of the Pacific. Japan desires nothing more than perpetuation of the good relationships between our country and the United States. We desire not to antagonize but only strive to work hand in hand with the United States in the development of China. Japan's special interest in China has been recognized. Japan can not alone ever expect to develop China. If China is developed as we would wish, it must be by the combined effort and capital of the United States and Japan, who are in best position to carry on this work. Japan only desires cooperation with the United States in the bringing forward the wonderful resources of China, a development which will react to the best interest of China and the world at large."

That Japan has made some mistakes in negotiations which have gone on between Japan and China in the past is admitted by Mr. Debuchi, just as it has been admitted by Baron Makino and others of the Japanese peace delegation in Paris. Mr. Debuchi cites the fact that the broadest and most liberal viewpoints of Japanese and world development along democratic lines now are held by the Government in power in Tokyo. In this regard he said:

WILL NOT TRAMPLE IDEALS.

"It is absurd to believe that Japan is an autocratic and militaristic country which will ruthlessly trample down the ideals now set for world civilization. Liberal and progressive movements are gaining in power

in Japan—the present cabinet is organized by the first commoner, Mr. Hara, who formerly was a diplomat and chief editor of an influential newspaper in Japan. The liberal policy already followed and that which is about to be placed into effect in regard to China and Korea is well known by everyone who has knowledge of affairs in the Far East.

"In regard to Shantung: Our Government, by treaty with China and by declarations subsequent to its signing in 1915, will return the things we have promised. And remember always—there has been much confusion in the American mind—the real issues center about Kiaochow, and when we speak of the Kiaochow we do not speak of Shantung.

"Kiaochow has an area of but 208 square miles and a population of some 200,000. Shantung Province, which is about the size of the State of Illinois, has 55,984 square miles and a population of 30,000,000.

"Kiaochow, with Tsingtau, during the period of German occupation was fortified by the Germans and public works were erected for permanent tenure. The port, by virtue of fortification, was constantly the subject of annoyance to all nations who wished to use it. It never, in the accepted sense, was a free port. The Germans completely dominated that territory. Civil and legal, as well as jurisdictional, rights were kept strictly in German hands. The rights of the Chinese were ill considered. Chinese ever were trampled upon.

ONLY WANTS AN OUTLET.

"As against this condition here is what Japan intends to do—all that she desires to do in Kiaochow and Shantung:

"Japan wants the railways of Shantung opened, that the products which will be developed by joint international interests may find free outlet through Tsingtau, the capital of Kiaochow. Japan seeks nothing more.

"In the treaty negotiations between China and Japan, which pact was signed at Peking May 25, 1915, the Japanese minister to China, Eki Hiroki, in a letter transmitted to Lu Cheng-shiang, the then minister of foreign affairs of the Republic of China, said:

"In the name of the Imperial Government I have the honor to make the following declaration to your excellency's Government.

"If upon the conclusion of the present war the Japanese Government should be given absolutely free disposal of the leased territory of Kiaochow Bay they will return the said leased territory to China, subject to the following conditions:

"Opening of the whole of Kiaochow as a commercial port.

"Establishment of a Japanese settlement in the locality to be designated by the Japanese Government.

"Establishment, if desired by the powers, of an international settlement.

"Arrangements to be made before the return of said territory is effected between the Japanese and Chinese Governments with respect to the disposal of German public establishments and properties and with other conventions and procedure.

"As I have stated," continued Mr. Debuchi, "we desire the opening of Kiaochow as a commercial port for reasons which became plainly apparent during the period of German abuse.

QUESTION OF SETTLEMENT.

"In regard to the establishment of a Japanese settlement, we ask nothing that is not granted by China to all other nationals. The word 'settlement' may be misunderstood. In fact, it means nothing more than the setting aside of a certain section for the homes of Japanese nationals, and also for foreign nationals, such, for instance, as is held by the French at Shanghai. In these settlements the rights of Chinese are always respected and in addition China always retains jurisdictional powers. For instance, should arrests for crimes be made within a French, Japanese, or British settlement, the malefactors are turned over to Chinese authorities for punishment under Chinese laws. While asking for such a settlement, which Japan probably would desire to be located in Tsingtau, Japan is ready also that there be an international settlement here or elsewhere, where all nationals might find haven and homes under occidental conditions like in Shanghai."

When asked as to whether or not such settlement could not be the base for Japanese infiltration through the whole Province of Shantung with consequent control of Chinese and their institutions, Mr. Debuchi replied:

"No. This is impossible. First of all because of the preponderant Chinese population. Furthermore, we have no desire to go further than facilitate the commercial outlets through Shantung to the sea."

CONTROL OF RAILROADS.

In reference to Japanese control of the Tsingtau-Tsinan-fu Railroad, Mr. Debuchi declared:

"This line of communication, connecting with the British-German line running from Peking to Nanking, was completely under the domination of Germany during Teuton tenure in Shantung. Under the new order Japan will not seek to retain exclusive privileges and control over this railway, but the Chinese will share proportionately in its direction and management. This line is only important to us in that it affords communication to the interior and a safe outlet for the developed products of China, which we, in cooperation with other nations, hope for in the general process of rehabilitating the Chinese nation.

AMERICANS JOIN WITH JAPANESE.

"In connection with this I would like to point out one feature which seems to have been forgotten. As I stated, the railway line from Peking to Nanking is controlled by British and German capital. Running in close proximity to this railway is the Tientsin-Nanking Grand Canal, costing millions of dollars, which is a joint concern between American and Japanese investors. A great section of this waterway goes through Shantung.

"And now as to the return of Kiaochow and Shantung to the Chinese. I wish to state emphatically that Japan will carry out her pledges at the earliest possible moment. The treaty signed in Paris states specifically:

"Germany shall hand over to Japan within three months from the coming into force of the present treaty the archives, registers, plans, title deeds, and documents of every kind wherever they may be relating to the administration, whether civil, military, financial, judicial, or other, of the territory of Kiaochow. Within the same period Germany shall give particulars to Japan of all treaties, arrangements, or agreements relating to the rights, title, or privileges referred to in the preceding articles."

"As you see, until Japan can make sure of the records of Kiaochow and be sure of the eradication of all German influence, until she ascertains positively the true conditions pertaining to property rights in Kiaochow, Japan can not proceed with her negotiations with China in a businesslike way. These negotiations may last another three months, and perhaps one year, but the American people may rest assured that Chinese rights will be restored completely within that period."

This is fairly illustrative of the Japanese viewpoint. This statement reaffirms the declaration of other Japanese statesmen that Japan intends to return the leased territory to China under the terms of the treaty of 1915 and points out the fact that it is impossible for her to return the leased territory immediately, there being a provision in the treaty that certain conditions shall be conformed to; one of them is that Germany shall hand over to Japan all evidences of title and a statement of all property in the territory involved.

ROOT-TAKAHIRA AGREEMENT.

The Root-Takahira "gentlemen's agreement" of November 30, 1908, bound the United States and Japan mutually to respect the Pacific Ocean region possessions of the other and to maintain the principle of equal opportunity for all nations in the commerce of China.

The Lansing-Ishii agreement commits the United States to a recognition of Japan's special interests in China arising from the close proximity of the two countries, and establishes the immunity of China from territorial aggression by any nation.

The significant provision is as follows:

The territorial sovereignty of China nevertheless remains unimpaired, and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that, while geographical position gives Japan such special interests, they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other powers.

The Governments of the United States and Japan deny that they have any purpose to infringe in any way the independence or territorial integrity of China, and they declare, furthermore, that they always adhere to the principle of the so-called "open door" or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any Government of any special rights or privileges that would affect the independence or territorial integrity of China, or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

Oral assurances that Japan will execute its treaty with China and restore the territory in Kiaochow to China were repeatedly given the peace conference by the Japanese delegates.

Thus by the so-called Lansing-Ishii agreement Japan and the United States are both bound to the obligation to respect and to safeguard the territorial integrity of China.

Japan is thus unalterably committed to the obligation to restore the leased territory to China. No beneficial effect can result if we assume, as some have seemed to do, that Japan is acting in bad faith and that she intends to break her treaty and her promises to restore the territory to China. China can better afford to rely on her treaty rights for a return of the territory than to herself breach that treaty and thus provoke Japan to insist upon her claim acquired from Germany through conquest, for that involves no obligation to restore the territory before the expiration of the lease.

JAPAN'S SPECIAL INTERESTS IN CHINA.

The declaration in the Lansing-Ishii agreement that Japan has special interests in China is supported by well-known circumstances—her proximity to China and the probability that hostile nations like Germany would secure military and naval bases; the fact that Japan's largest external investments are in China; that she is excluded from other hemispheres and has no other field than China for expansion; that her trade and enterprise have greatly increased China's exports and imports; all these facts considered in connection with Japan's small area, a little less than 170,000 square miles, and her enormous population, establish conclusively Japan's right to engage in Chinese commerce. Her national existence is dependent upon certain Chinese products, including coal and iron. These facts illustrate the importance to Japan of the commercial rights which she will enjoy under the treaty with China after the return of the leased territory to China.

SHOULD SUCH DURESS AS ENTERED INTO THE TREATY BETWEEN CHINA AND JAPAN INVALIDATE THE TREATY?

It is said that China is a pacific and Japan a warlike nation and that China was induced by fear of war with Japan to enter into the treaty of 1915 agreeing to whatever arrangements Japan might make with Germany concerning the property and rights in Kiaochow. It is also claimed that it is not only the duty of the United States to refuse to recognize this treaty but that we should treat it as utterly void because made under duress.

This position seems inconsistent and indefensible. Every commercial treaty of importance now in force between China and European nations is the result of war or some other form of duress.

For centuries prior to 1842 China had existed in sublime isolation, keeping closed to other nations every gateway to her commerce. The English through the East India Co. had striven to secure commercial opportunities in China, but these efforts had met in large part with failure.

It was only after a successful war against China that Great Britain compelled a treaty ceding to her the island of Hong-kong and opening to British trade five Chinese ports. (Hornbeck Contemporary Politics in the Far East, p. 216.)

In 1854 Great Britain insisted upon access to the whole of the Chinese Empire, and the American and French envoys were instructed by their Governments to cooperate with the British. It became necessary for the French and the British to resort to force, and new treaties were executed in 1858 and 1860. Great Britain, France, and the United States proceeded somewhat upon the theory afterwards set forth in the "open-door policy," but Russia made a separate treaty, obtaining special concessions and privileges in Chinese territory contiguous to Siberia. (Ib., pages 217 and 218.) Through all the years that followed until the outbreak of the Boxer rebellion increasing pressure from the outside was the means by which China was at last compelled to yield other nations the opportunity to carry on commerce with her. It is our just boast that the United States, while supporting a policy of inducing China to yield to the demands of other nations for commercial opportunities with her people, have never sought special rights or privileges and have contended for equal opportunities for all nations in the commerce of China.

This principle underlies the "open-door policy" and the Root-Takahira agreement. The Lansing-Ishii agreement, as already stated, recognizes that Japan has special interest in China, but it expressly reaffirms the right of China to territorial integrity.

In view of the fact that the commercial relations of nearly all nations with China are based on duress in some form, and in contemplation of the further fact that the most important treaties now in force between the various nations are the outcome of wars—which, of course, are the supreme manifestations of duress—why should the claim that China was induced to make the treaty with Japan through fear of war invalidate that treaty, and all other treaties with China, many of which she was compelled by war to execute, be left in force?

If we go back into history and invalidate every treaty into which duress has entered, chaos in international relations will result.

Shall we assert that treaties tainted with duress in which Japan is interested must be invalidated and at the same time recognize English, French, and Russian compacts with the Chinese Government—compacts, for the most part, extorted through wars engaged in for the express purpose of compelling China to yield? Shall we attempt to make one rule for Japan and a totally different rule for other nations?

To ask the question is to answer it.

The treaty of 1915, under which Japan asserts that China is estopped from claiming that German rights in Kiaochow reverted when China declared war on Germany, can not be invalidated through any arbitrary limitations of time we may assert because of alleged duress and other treaties similarly induced be left in force. The United States alone can not create and put into effect an international statute of limitations.

WHAT IS THE EFFECT OF AGREEMENTS DURING THE WAR TO RECOGNIZE THE RIGHTS OF JAPAN TO OBTAIN CESSION FROM GERMANY?

Senators have expressed indignation at the agreement of Great Britain and France during the war to support Japan in her demands at the peace conference for the cession from Germany of rights in Kiaochow. Perhaps the same criticisms apply equally to the action of the United States following these agreements in recognizing the special interests of Japan in China. It is said that they were all made primarily to encourage Japan to increased activities in the war. If it be true that these agreements were entered into as war measures, the obligation to carry out the agreements can not honorably be escaped, even though some Senators may now believe that the agreements should never have been made. If the nations controlling the peace conference, to induce Japan to greater activity in the war agreed to support her in demanding that Germany in the treaty of peace should cede all rights in Kiaochow, that fact becomes of controlling importance and the nations making such agreement must keep faith. They can not break it without classifying themselves as unreliable.

Let me ask the Senators who have characterized this transaction as the most treacherous incident in history to view the subject from the standpoint of the Allies at the time the agreements were made.

China had already made a treaty with Japan as to Kiaochow which is far more beneficial to China than the German treaty relating to rights in Kiaochow, for under the Japanese treaty China is to recover back all territory leased as speedily as arrangements to that end can be effected, while under the treaty

with Germany the lease must continue until the end of 99 years from March, 1898.

Japan was prompted to approach France, England, Russia, and the United States because of their interest in maintaining equality of rights for all nations in Chinese commerce and the preservation of Chinese territorial integrity. Each of these nations had an interest in the subject matter, an interest which in general terms is expressed in the "open-door policy" and in the more specific terms of the various treaties and concessions in which some of them had established commercial relations with China. In view of the fact that China had already agreed with Japan concerning the subject, there could be no treachery involved in the agreements by which the allied nations signified in advance their readiness to assent to the arrangement which Japan had made with China.

In passing judgment on the subject now we must not forget the actual conditions which existed when the agreements characterized by some Senators as treacherous were made. The crisis in the war was approaching, if not at hand. The Allies were straining every resource to beat back the ever-advancing forces of the enemy. There were battle lines 500 miles in length. Millions of allied soldiers were lurking in the trenches. Millions were dying in the smoke and the thunder. Millions more were staggering back from the battle fronts wounded and hopeless. Belgium's man power had been exhausted. France was calling to the colors her boys and old men. Great Britain was looking forward to the time when her reserves must be exhausted.

Japan, whose only direct interest in the war was the danger of German aggressions in China, had been offered every inducement by the central empires to cast her lot with them and join in war against the Allies. Germany had tried to make an alliance with Japan that the latter might make war on the United States. Japan realized that she would be doomed by any settlement of the war which left Germany in possession of Kiaochow, because of its proximity to Japan's own territory. As Secretary Lansing said at the time the Lansing-Ishii agreement was made:

The removal of doubts and suspicions and the mutual declaration of the new doctrine as to the Far East would be enough to make the visit of the Japanese mission to the United States historic and memorable, but it accomplished a further purpose which is of special interest to the world at this time, in expressing Japan's earnest desire to cooperate with this country in waging war against the German Government. The discussions, which cover the military, naval, and economical activities to be employed, with due regard to relative resources and ability, show the same spirit of sincerity and candor which characterize the negotiations resulting in the exchange of notes.

Japan's policy and the course of this Government in recognizing the special interests of Japan in China, while at the same time expressly safeguarding Chinese territory against aggression, were not criticized at the time. They were almost universally approved by the people of the United States as wise and effective. The arrangement marked the doom of the hopes of Germany for a separate peace with Japan and through the latter's influence to secure cooperation from China. It is not just or fair, now that the war has ended and we are enjoying the results of the transaction, to criticize it as an act of treachery.

When the fate of civilization was trembling in the balance, when Germany was using every power she possessed to induce Japan to make a secret treaty with her, a separate treaty of peace, a policy was pursued by Great Britain, France, and the United States which cemented Japan to the cause of the Allies. I believed then and I still think that this policy was just, wise, and necessary. Let Senators who made no protest at the time remain silent now, instead of using their power and prestige in the circulation of propaganda calculated to delay or prevent the ratification of the treaty, and recognize the obligation to treat both China and Japan with fairness. Let them remember that Japan has given her pledge to carry out her treaty with China and restore the ceded territory. If they will but perform this act of simple justice they can not characterize as treacherous the arrangement between the powers by which the Kiaochow territory was taken by Japan in the early stages of the war from Germany and which will be voluntarily returned to China by the Japanese Government.

In the press to-day I have read statements to the effect that the Japanese Government may shortly issue another statement regarding its purpose to return the ceded territory. Whether an additional statement is made or not, Japan is bound by her solemn treaty with China of May 25, 1915, to restore the ceded territory. Senators who take every opportunity to denounce Japan should remember that Japan has never indicated a purpose or desire to breach that treaty. She has always declared it is her purpose to carry it out.

The influences now at work to cause China to hold out in repudiating her treaty with Japan and to create prejudice throughout the United States against Japan do not appear calculated to result in benefit to either China or this country.

Mr. WILLIAMS. Mr. President, before the Senator from Arkansas sits down, I wish to ask that he indicate to the Senate and to the country, if he can, the enormous difference which must exist between our not having found it disgraceful to let Germany take all of these benefits and a little bit more in payment of the mob assassination of a couple of missionaries, while later on we find it perfectly treacherous and dishonorable to let Japan recover from China, after having spent money and sacrificed soldiers' lives, a part of what we tamely permitted Germany to take from China.

Mr. ROBINSON. We not only submitted to it but we actually approved it.

The then Secretary of State, Mr. Hay, actually expressed his gratification at the assurance that the German acquisition of rights, privileges, and territory in Kiaochow would not interfere with American rights in China.

The Senator from Nebraska [Mr. HITCHCOCK] has already called attention to that document.

Mr. WILLIAMS. I want to ask the Senator from Arkansas whether he remembers or not if the senior Senator from Massachusetts [Mr. LODGE] was then a member of the Senate and was on the Foreign Relations Committee; whether he remembers or not if the Senator from Connecticut [Mr. BRANDEGEE] was then a Member of the Senate; if he remembers whether the Senator from Nebraska [Mr. NORRIS] was then a Member of the House of Representatives; and if he remembers or not whether either one of these ever raised his voice against the rape of Shantung Peninsula or part of it from China by Germany?

Mr. ROBINSON. Mr. President, it is true that the Senator from Massachusetts was a Member of the Senate and a member of the Foreign Relations Committee at the time Germany made her treaty with China and acquired rights in Shantung on March 6, 1898. I never heard of his making any protest.

Mr. WILLIAMS. And those rights were equal to those acquired by Japan now, if not greater.

Mr. ROBINSON. Certainly. As to whether the Senator from Connecticut had entered the Senate at that time I am not certain. I think, however, he was still a Member of the House of Representatives, as were the Senator from Nebraska [Mr. NORRIS] and I; also the Senator from Mississippi.

Mr. WILLIAMS. I wish to ask the Senator from Arkansas one more question, and then he can answer all of my questions together. Does the Senator reckon it is possible that the senatorial wolves who are now after the Wilson lamb were rather afraid to raise an issue with Germany which they are now not afraid to raise with the President of the United States? Does the Senator reckon that that could have been possible?

Mr. ROBINSON. Oh, no.

Mr. WILLIAMS. No; I thought not.

Mr. ROBINSON. Mr. President, in further answer to the inquiry of the Senator from Mississippi, I want to refer somewhat in detail to a document issued by the State Department, Washington, September 6, 1899, just following the treaty by which Germany had acquired her alleged rights in Kiaochow. The United States Government raised no protest either in China's behalf, Japan's behalf, or in behalf of the open-door policy—

Mr. WILLIAMS. Or of civilization and humanity.

Mr. ROBINSON. Or of civilization and humanity. When Germany took possession of Tsingtau and compelled the execution of the treaty by China which I have mentioned, the Government of the United States, through the then Secretary of State, John Hay, in a document dated Washington, September 6, 1899, said:

At the time when the Government of the United States was informed by that of Germany that it had leased from His Majesty, the Emperor of China, the port of Kiaochow and the adjacent territory in the Province of Shantung, assurances were given to the ambassador of the United States at Berlin by the Imperial German Minister for Foreign Affairs that the rights and privileges insured by treaties with China to citizens of the United States would not thereby suffer or be in anywise impaired within the area over which Germany had thus obtained control.

The document is quite lengthy. Let me read one more paragraph:

The liberal policy pursued by His Imperial German Majesty in declaring Kiaochow a free port and in aiding the Chinese Government in the establishment there of a customhouse are so clearly in line with the proposition which this Government is anxious to see recognized that it entertains the strongest hope that Germany will give its acceptance and hearty support.

Mr. WILLIAMS. One more question, and then I shall worry the Senator from Arkansas no longer.

Mr. ROBINSON. The Senator from Mississippi is not worrying me; he is instructive and entertaining.

Mr. WILLIAMS. Does the Senator know whether Woodrow Wilson instructed John Hay to write that note?

Mr. ROBINSON. Of course, every Senator knows who was then President of the United States.

Mr. WILLIAMS. I ask the question for this reason: Some Senators seem to think that Woodrow Wilson has been guilty of everything that has occurred in China in the way of the rape of the Shantung Peninsula, and I wanted the people outside of the Senate to know that he did not instruct John Hay to write that note, unless he did.

Mr. ROBINSON. Mr. President, I thank Senators for the very courteous attention with which they have followed me during the course of this discussion. I felt, after a somewhat careful investigation of the question, that it was clouded with confusion and misrepresentation. If my remarks have contributed in any degree to relieve the subject from those embarrassing influences I am highly compensated for my effort.

CALLING OF THE ROLL.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Jones, N. Mex.	Nugent	Smith, S. C.
Capper	Kellogg	Page	Smoot
Chamberlain	King	Phelan	Spencer
Cummins	Kirby	Phipps	Sutherland
Curtis	La Follette	Pittman	Swanson
Dial	Lenroot	Pomerene	Thomas
Fletcher	McCumber	Robinson	Walsh, Mass.
Gay	McKellar	Sheppard	Walsh, Mont.
Harrison	Moses	Shields	Warren
Henderson	New	Simmons	Williams
Hitchcock	Newberry	Smith, Ariz.	
Johnson, Calif.	Norris	Smith, Ga.	

Mr. SHEPPARD. The Senator from Florida [Mr. TRAMMELL], the Senator from Delaware [Mr. WOLCOTT], the Senator from Maryland [Mr. SMITH], the Senator from Arizona [Mr. ASHURST], and the Senator from Kentucky [Mr. STANLEY] are necessarily detained on official business.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. RANSEDELL responded to his name when called.

Mr. OWEN, Mr. HALE, Mr. FERNALD, Mr. ELKINS, Mr. McNARY, Mr. FRANCE, and Mr. KNOX entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum present.

LEAGUE OF NATIONS.

Mr. LENROOT. Mr. President, it is very unfortunate that there is not a clear understanding throughout the country of what the real issue is in the Senate upon the league of nations. The country ought to know that with very few exceptions the Members of this body, irrespective of party, are in favor of a league of nations, and the country ought to know that with very few exceptions the Republican Members of the Senate are in favor of the league now proposed, provided reservations are made protecting the rights and interests of the United States. The subject matter of these reservations I shall discuss before I conclude.

I sincerely hope that the Committee on Foreign Relations, to whom the treaty has been referred, will make a report to the Senate very soon. It is very desirable that the country should know as soon as possible what the issues are in the controversy. I am satisfied that when that report is made the country will see that the issue in the Senate is not whether we shall join a league of nations, and that the only question is to what extent in joining such a league the United States shall surrender its rights and independence of action with relation to refraining from war in the future.

That a league or concert of nations following this World War is desirable seems so clear as not to permit of argument. Anything that we can do to prevent future wars and at the same time preserve our own liberties and independence should be done. With those who argue that the day of isolation and indifference to foreign affairs by the United States is past, I agree. Never again, league or no league, alliance or no alliance, will the United States sit by and watch a world war raging with its President advocating that our people be "neutral in thought as well as in name," nor at such a time will his chief claim for reelection be that "He kept us out of war." We know now that no nation can through war set out to dominate the world without our being directly concerned. We know now that from August, 1914,

our own independence and our own liberties were at stake and that it was necessary for us to enter the war with Germany to preserve them.

In this connection I must take occasion to say that President Wilson's statement, in presenting the treaty to the Senate, as to the cause of our entering the war is exactly contrary to the fact. This is his language:

The United States entered the war upon a different footing from every other nation, except our associates on this side of the sea. We entered it not because our material interests were directly threatened or because any special treaty or obligations to which we were parties had been violated.

As against this statement I quote the words of the President himself immediately preceding and immediately following our entrance into the war.

On February 3, 1917, two months before our war declaration, in his address to Congress, he said:

We do not desire any hostile conflict with the Imperial German Government. We are the sincere friends of the German people and earnestly desire to remain at peace with the Government which speaks for them. We shall not believe that they are hostile to us unless and until we are obliged to believe it, and we purpose nothing more than the reasonable defense of the undoubted rights of our people.

On April 2 in his war message he said:

With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare that the recent course of the Imperial German Government to be in fact nothing less than war against the Government and the people of the United States.

One more quotation from President Wilson upon the subject of whether our material interests were directly threatened. On June 14, 1917, a little more than two months after we entered the war, in his Flag Day address, he said:

It is plain enough how we were forced into the war. The extraordinary insults and aggressions of the Imperial German Government left us no self-respecting choice but to take up arms in defense of our rights as a free people and of our honor as a sovereign Government. The military masters of Germany denied us the right to be neutral. They filled our unsuspecting communities with vicious spies and conspirators and sought to corrupt the opinion of our people in their own behalf.

When they found they could not do that, their agents diligently spread sedition amongst us and sought to draw our own citizens from their allegiance, and some of these agents were connected with the official embassy of the German Government itself here in our own Capital. They sought by violence to destroy our industries and arrest our commerce. They tried to incite Mexico to take up arms against us and to draw Japan into a hostile alliance with her, and that not by indirection but by direct suggestion from the foreign office in Berlin. They impudently denied us the use of the high seas, and repeatedly executed their threat that they would send to their death any of our people who ventured to approach the coasts of Europe.

And yet in the face of these statements, true statements made by President Wilson when we entered the war, he now says that it was not because our material interests were directly threatened. The fact is exactly the contrary, and it was primarily because they were directly threatened that he asked Congress to declare the existence of a state of war with Germany, and Congress complied.

No man in public life or in private life, except President Wilson, will declare that our war declaration would have been made in April, 1917, if our material interests had not been threatened by Germany. We entered the World War primarily to save the liberties and the independence of the United States of America, threatened by Germany, and any statement to the contrary by whomsoever made is not correct. It is a fact, also, that special treaty obligations had been violated by Germany. Our treaty of 1828 with Germany had been so grossly violated by her that on March 20, 1917, before we entered the war, Secretary Lansing wrote the minister of Switzerland, in charge of German affairs, a note, the concluding paragraph of which is as follows:

I feel constrained, in view of the circumstances, to add that this Government is seriously considering whether or not the treaty of 1828 and the revived articles of the treaties of 1785 and 1799 have not been in effect abrogated by the German Government's flagrant violation of their provisions, for it would be manifestly unjust and inequitable to require one party to an agreement to observe its stipulations and permit the other party to disregard them. It would appear that the mutuality of the undertaking has been destroyed by the German authorities.

Mr. President, I have thus referred to the cause of our entering the war solely because of its bearing upon the obligations which we should assume in the league of nations.

President Wilson lays great stress upon the expectations that had been created in the minds of our associates by our entry into the war. If we had gone in with no special grievance of our own, if, as the President now contends, it was not because our material interests were directly threatened, if we had gone in primarily to help other peoples and not to protect ourselves, then the President's argument that a continuing obligation rests upon us to protect all of the peoples engaged for all time to come with all our resources and all our man power has

force, but if on the other hand we went in to protect America primarily, but in so doing rendered a service to all mankind, then we are free to determine for ourselves to what extent we shall obligate ourselves to further protect and assist our associates in the World War.

I assert that all of our associates well knew that we went to war primarily to protect our own interests. They knew that the President of the United States and the Congress had persistently refused to become involved unless it became necessary to protect America. They well knew that President Wilson had secured his reelection in November, 1916—when the European war had been raging for more than two years—upon the slogan "He kept us out of war."

Mr. President, I voted for war because I believed it necessary to save America. I would have had no right to vote for war for any other reason, after the Democratic victory in November, 1916. It is clearer now than it was then that we were right in the action then taken, and we all rejoice with President Wilson that our armies have not only saved America but have been instrumental in bringing liberty to millions of oppressed peoples who for centuries had longed for freedom but had all but abandoned hope of securing it.

The eloquent tribute of President Wilson to the American soldier finds a response in every American heart, but, Mr. President, our boys fought and died for America, for home and native land, to preserve here in America the liberty and independence won for them from Bunker Hill down through the years upon many battle fields, and so, Mr. President, in the consideration of this treaty we have the right, nay, not only the right but it is our duty, to consider America first, for it was for America first that our soldiers went across the sea to fight and to die.

In passing I will call one more witness to prove that we did go to war with Germany because our material interests were directly threatened, a gentleman who has suddenly become a great authority in some quarters. I refer to ex-President Taft. Last December he said "We were forced in to defend our rights on the seas. That is what we went in for."

As I have said, Mr. President, I have referred to this only to show that in considering the interests of America first we are not violating any obligation to our associates in the war, and we are absolutely free to consider first the interests of the United States. But we rejoice in the fact that in preserving our own liberties we have assisted in bringing liberty to other peoples. We should continue to help and to protect them from injustice, but whatever we do in this regard should be understood as voluntarily undertaken upon our part and not because of any obligation to do so, and this distinction is very important in considering the league of nations.

THE 14 POINTS.

I next wish to consider briefly the 14 points, and for the same reason that I have discussed the causes of our entry into the war. If the 14 points have been the guiding stars in this peace treaty, if we have indeed a peace of justice, then we can and should go further in entering a league of nations to preserve that peace than we should if the 14 points have been violated. No one will, I think, contend that we should agree to perpetually protect with the lives of our boys and with our resources a peace any part of which is unjust and wrong, and I shall assume, as President Wilson has done, that the 14 points marked the line of a just peace so plain that all could follow.

I now propose to take up each one of these 14 points and apply them to the treaty which we have before us. But before doing so permit me to say that I am not criticizing President Wilson for not succeeding in securing a treaty in accord in all respects with his 14 points. I think I recognize as fully as anyone the difficult task of President Wilson at Paris. I believe he went there determined to do his utmost to secure a league of nations and the application of his 14 points to the terms of peace. That he failed is not surprising, for the fact is that of all the principal nations around the peace table at Paris there was but one that had no selfish aims, that sought no material advantage for itself, and that nation was the United States.

Indeed, if President Wilson is to be criticized at all it is because while other nations were striving to secure material advantages for themselves President Wilson was striving to place obligations upon the United States for the benefit of other nations. As has been said elsewhere, while other nations were striving to secure assets for themselves President Wilson was striving to secure liabilities for the United States. But in seeking no material advantages for ourselves, he truly represented the people of the Nation. We desire neither territory nor indemnity out of this war. Our only desire is peace and security

for ourselves and peace and security for free, liberty-loving peoples all over the world.

Is, then, this peace treaty in accord with the 14 points of President Wilson? In his Christmas address to the soldiers in France he said:

It happened that it was the privilege of America to present the chart for peace, and now the process of settlement has been rendered comparatively simple by the fact that all the nations concerned have accepted that chart and the application of the principles laid down there will be their application.

If the nations, Mr. President, did accept this chart, that acceptance abrogated all secret treaties—the Japanese-English treaty, the Italian-English treaty, and the provisions of all other treaties in conflict with this chart of peace.

Mr. President, I listened with great interest this afternoon to the defense made by the Senator from Arkansas [Mr. ROBINSON] of the rape of Shantung. He placed practically his whole defense upon the ground that the Allies—England and France—had made a treaty with Japan that Japan should have Shantung, and they could not therefore in honor decline to carry out that treaty. But, Mr. President, if these 14 points mean anything, if they were accepted by all of these other nations, including Japan, as President Wilson says they were accepted, the acceptance of them abrogated the treaty between Japan and England and France. There can be no question about it.

The Senator also pointed to the fact that the United States had recognized the German lease of Shantung and Kiaochow; but I want to call the attention of Senators upon the other side to the fact that although China has been despoiled by others than Japan, as stated by the Senator from Arkansas, up to this good hour the United States never has guaranteed, as it proposes to do in this league of nations, to defend by all the man power in the United States any of those treaties.

The first of the 14 points is: "Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view."

That this point has been flagrantly violated in the peace conference and in the provision of the treaty is too plain for argument. Secret diplomacy is nowhere prohibited, and it is not even required that the sessions of the league of nations, in either assembly or executive council, shall be open to the public. The only part of this point that finds any place in the treaty is the requirement that all international engagements thereafter made shall be made public. This is a great gain if adhered to by the nations, but secret diplomacy, intrigue, and plotting in international relations is nowhere forbidden.

The second point reads: "Absolute freedom of navigation upon the seas, outside territorial waters alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants."

This point was wholly abandoned at the peace conference. As to its importance I quote President Wilson in his address to the Senate on January 22, 1917:

And the paths of the sea must alike, in law and in fact, be free. The freedom of the seas is the sine qua non of peace, equality, and cooperation. No doubt a somewhat radical reconsideration of many of the rules of international practice hitherto thought to be established may be necessary in order to make the seas free and common in practically all circumstances for the use of mankind, but the motive for such changes is convincing and compelling. There can be no trust or intimacy between the peoples of the world without them. The free, constant, unthreatened intercourse of nations is an essential part of the process of peace and of development. It need not be difficult either to define or to secure the freedom of the seas if the governments of the world sincerely desire to come to an agreement concerning it.

Thus President Wilson, on January 22, 1917, stated the paramount importance to a durable peace of the freedom of the seas, and yet, on the demand of Great Britain, this point was wholly abandoned at the peace conference. I do not doubt that it was abandoned with the greatest reluctance by President Wilson. I think the fact is that Great Britain absolutely refused to consider it in the peace conference. President Wilson is reported to have said that this point was a joke upon him; that he had not considered that with a league of nations there would be no neutrals to whom the freedom of the seas could apply in time of war. The President must have been misquoted upon this, because the league of nations does clearly contemplate neutrals in time of war, for under its terms if two nations submit a dispute to the executive council, and that council does not come to a unanimous decision, the nations involved are at liberty to go to war three months after the action of the council, and surely the other nations not parties to the dispute will be neutrals to whom the freedom of the seas would apply if it had not been abandoned, if political independence or territorial integrity is not involved.

The third point is: "The removal, as far as possible, of all economic barriers and the establishment of an equality of trade

conditions among all the nations consenting to the peace, and associating themselves for its maintenance."

This point is very vague, and the President, as far as I know, has never explained what he had in mind in proposing it. It may be said, however, that article 23 of the league of nations covers this point except as to Germany.

The fourth point is: "Adequate guaranties given and taken that national armaments will be reduced to the lowest possible point consistent with domestic safety."

This point is clearly violated in the peace treaty. The only guaranties required are from enemy countries and nations to be invited to join the league. But as to the nations forming the league there are no guaranties whatever. There is merely a declaration that armaments should be so reduced, and the council shall formulate plans for such disarmament, which each nation is free to accept or reject, as it may choose.

Mr. KING. Mr. President, will the Senator submit to an interrogation?

Mr. LENROOT. I yield for a question.

Mr. KING. As I understand the Senator, his position is that the league, with respect to the point just discussed, is not sufficiently drastic; that it ought to have compelled the nations signatory to the agreement to have disarmed or to have reduced their armament to a limit therein stated?

Mr. LENROOT. I think there should have been an agreement.

The fifth point reads: "A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined."

This point, all must concede, is flagrantly violated in the peace treaty. In the case of Shantung the treaty expressly confirms the title of Japan as a receiver of stolen property; and since listening to the defense of the Senator from Arkansas I find no occasion to change that statement in the slightest degree.

In addition, as the treaty now stands, the United States is to become the owner of an undivided one-fifth of all of Germany's former colonies. Upon my first reading of the treaty I did not realize this, but upon my attention being called to it by the Senator from New Mexico [Mr. FALL] I have reexamined it, and there can be no doubt that this is the fact. In other words, Germany renounces in favor of the United States, Great Britain, France, Italy, and Japan all of her right, title, and interest to all her colonies. I shall not upon this occasion discuss this at length. I refer to it now only for the purpose of showing that this point has clearly been violated.

The sixth point demands the evacuation of Russian territory and makes declaration of a Russian policy. If the evacuation demanded refers to enemy troops alone, the peace treaty complies with this point; otherwise not. However, the situation in Russia is and has been so chaotic that it is fair to say that it has not been possible to apply the principles of this point to the treaty.

The seventh point relates to Belgium, and the peace treaty is wholly in accord with this point. The same is true of the eighth point, which refers to French territory and Alsace and Lorraine.

The ninth point reads: "A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality."

The application of this point is still undetermined, for the treaty now before us does not attempt to fix the frontiers of Italy. This will come to us in the treaty with Austria and other treaties, but there is grave danger that when made they will not be in compliance with this point.

The same observations should be made of the tenth point, relating to Austria-Hungary; the eleventh point, relating to the Balkan States; and the twelfth point, relating to the Turkish Empire.

The thirteenth point relates to the independence of Poland, and the treaty before us, I believe, in the main in compliance with this point.

The fourteenth point reads: "A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike."

The league of nations is the response to this point; which I shall now discuss.

I have thus, Mr. President, referred to the 14 points and their application to the present treaty. We find that of the 14, 4 have been clearly violated in the treaty, 6 have been complied with, and 4 are not included at all, because they relate to matters not covered by this treaty.

Therefore, at this time, of the 14 points only 6 have been complied with, leaving 8 either violated or undetermined.

Mr. President, I have examined these 14 points in this connection for the same purpose that I discussed the causes of our entry into the war, namely, to ascertain to what extent we were obligated to sacrifice our own liberty of action in a league of nations. If these 14 points had been fully complied with, inasmuch as they were proposed by President Wilson and accepted by all the other nations engaged in the war, I concede that if they had been faithfully carried out we would be under some obligation at least to guarantee a peace made in accord with their principles. But if they have not been carried into the treaty in good faith—and I have shown that they have not—then we are under no obligations to perpetually guarantee the observance of the peace that has been made. Whatever we do in this respect must be regarded as a voluntary act upon our part, and we are entirely free to give first consideration to the interests of the United States.

I wish to state again that, with the exception of the disposition of Shantung, I do not believe that President Wilson should be criticized for the failure to secure the application of his 14 points. Most of our associates in the war were not actuated by the high ideals set forth in the 14 points. They seemed rather to follow—

The good old plan
That they shall take who have the power,
And they shall keep who can.

Nor should we too severely condemn our associates for the course they have pursued. Human nature is still selfish. Great Britain, France, and Italy had suffered terribly by the war, and it was perhaps too much to expect of them that they would willingly make great sacrifices of power or advantage for the sake of an experimental world peace. The distinguished diplomats around the peace table were very practical men; that is, with the exception of those representing the United States.

We have no reason to believe that upon the creation of the league of nations there will be a sudden revolution in the ideals of these associates, and that in itself furnishes one of the strongest reasons why we should be very careful in entering into a partnership with them and should scrutinize very carefully what obligations we shall assume.

I have said nothing concerning whether the terms imposed upon Germany are in accord with the 14 points. It is a hard peace for them, a terrible price for them to pay for their attempt to conquer the world, but evidently the peace conference believed hard terms were necessary to protect the world from future aggression by Germany. Whether the terms imposed are more liable to provoke war in the future than insure peace, I shall not discuss to-day.

THE LEAGUE OF NATIONS.

I now come to the consideration of the covenants of the league of nations, and I approach it from the standpoint which I have tried to establish that we should consider them freed from any obligations to other nations, and are at liberty to determine our action with respect to them solely in accord with what we deem to be the best interests of the United States and the welfare of all mankind. Whatever obligations we assume with regard to other peoples we will assume voluntarily and unselfishly, not because there is any preexisting obligation to assume them.

On February 28 last I addressed the Senate upon the league of nations as it was then proposed. I then discussed at length six principal objections to the proposed constitution:

1. Inequality in voting power.
2. The obligations of article 10.
3. The ambiguity as to whether a unanimous vote was required to make an award in a dispute between members of the league.
4. Compulsory mandatories.
5. The jurisdiction of the league over domestic questions.
6. Absence of any right of withdrawal.

The amendments subsequently made at Paris removed the third and fourth objections and greatly lessened the fifth and sixth objections. I shall discuss these as I proceed.

I stated then, and I am convinced now, that we should enter a league of nations to help preserve the peace of the world, and that the plan proposed is a great forward step in this direction.

I shall not take the time to discuss the plan of the organization of the league, for it is familiar to us all and to the country. The inequality in voting power still remains and is objectionable; but since it has been made clear that unanimous action is required in all cases of disputes between nations, and, indeed, in nearly all of the transactions of the council and the assembly, I do not think the inequality in voting power should be an objection to ratification.

I believe the United States can and should be protected by proper reservations, and with such reservations the league may

be of great value in preventing future wars and securing a better understanding between nations.

To my mind the greatest value of the league will be in the covenants not to go to war before submitting a dispute over international questions to arbitration or the league, and not until three months after the award of the arbitrators or the recommendation of the executive council or the assembly. With this covenant there can be no war suddenly arising over an honest dispute. The nations will have time to cool off, to deliberate, and there will be opportunity for the friendly offices of other nations.

Of course, if any nation or group of nations determine upon wars of conquest and believe they are strong enough to succeed, this covenant will not deter them. To them the entire league of nations would be regarded as a scrap of paper. But in such case the world would immediately be put upon notice of the menace to its peace, and in such case the United States, irrespective of whether it had joined a league of nations or not, would not sit by for a period of nearly three years, as we did in the present war. Had our people known in the beginning Germany's designs, had our people realized the menace to us—and by our people I mean all of us, including the President and Congress—we would not have waited until April, 1917, as we did.

Any nation member of this league who starts a war in violation of article 12 will be considered an outlaw by all the civilized nations of the earth.

I do not expect, Mr. President, that there will be many unanimous decisions of the council or the assembly settling disputes. This league is not a judicial body, it is a political body, and whenever a dispute is submitted we must expect intrigue and secret diplomacy that will prevent unanimous decisions. It is unfortunate that the covenant does not provide for open sessions of all the meetings of the executive council and the assembly, which would, to some extent at least, tend to prevent secret understandings in the league.

The next most beneficial article in the league, in my judgment, is article 11, which reads as follows:

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

This will result in consideration and deliberation by the members of the league of any war or threat of war, wherever it may arise. I do not agree with those who contend that this article deprives any member nation of its freedom of action. Nowhere is the league of nations given power to declare war, nowhere is any force provided to carry out its decisions, nowhere is it given power to command action by any member of the league. Its powers in regard to declaring war are advisory only, and nowhere can be found any mandate to league members to follow the advice. The obligations to engage in war are independent covenants in the document, as are the obligations to refrain from war except after following the procedure prescribed.

While no real power is vested in the league in this article, nevertheless it will have a strong influence in preventing war. I do not believe this would have prevented Germany from starting the present war, but I think it might have prevented the Russian-Japanese War and the Japanese-Chinese War; and now that the old balance of power is destroyed in Europe, which in itself prevented war many times in the last half century, we may confidently hope that a league of nations with article 11 will have a very beneficial influence in this direction.

These two provisions, Mr. President, fully warrant our joining the league, provided our rights and obligations in other respects are fully protected.

With regard to disarmament, while the 14 points have not been complied with and the provisions as drawn will, in my opinion, be worthless in accomplishing any beneficial results, there can be no objection to it, for while it will, in my judgment, do no good it can do no harm. It is, however, unfortunate that this provision of the league has been so misrepresented to the country. Even ex-President Taft has asserted that this disarmament provision is of very great importance, when he, of all men, must know that it is of no value. The only obligation imposed is the recognition that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

While the council is required to formulate a plan for such disarmament, each Government is at liberty to reject the plan, and, of course, so long as there is one strong power, either within or without the league, that does not accept it, no other nation will do so. It will be observed that the fourth of the 14 points used the words "domestic safety," which have been

changed in the covenant to "national safety." There never was a time when militaristic Germany would concede that her armies were greater than was consistent with her "national safety." There never was a time when Great Britain would concede that her navy was greater than was consistent with her "national safety." So the obligation is worthless.

We must look to the future for disarmament, possibly through meetings of the league of nations; but if the nations could not agree upon disarmament now, at the end of this terrible war, with its awful consequences before the eyes of the peace conference, there is very little hope that it will be done in the future. No guaranties have been given and taken, as required by the 14 points, except in the case of Germany, and those guaranties have nothing to do with the league of nations portion of the treaty.

However, as I have already said, while those of us who believe that disarmament is the best guaranty of future peace are deeply disappointed over the violation of the "accepted chart of peace" in this regard, it does not furnish any reason for opposing the league, for presumably President Wilson could not secure its incorporation in the league, and, like the freedom of the seas, it has been abandoned because impossible of accomplishment.

THE AMENDMENTS MADE AT PARIS.

I now come to the amendments to the league proposal made at Paris subsequent to the first draft adopted.

The ambiguity as to whether a majority or unanimous vote was required in disputes submitted to the council or assembly has been removed so as to clearly require a unanimous vote in such cases. As I have already said, this removes one great objection to the original draft and greatly lessens the objection to the inequality in voting power between Great Britain and the United States.

Another very serious objection which has been removed is the compulsory mandatories. As the original draft stood, it is very clear that at least in the case of Turkey every member of the league obligated itself to accept the mandate of the league. If the league selected the United States to become the mandatory of peoples lately belonging to the Turkish Empire, we would agree by the adoption of the league to accept it. I discussed this question at great length in the Senate last February and will not take further time upon it now, for there has been inserted a clause which removes this objection, the clause being that the mandate shall be imposed only upon those "who are willing to accept it."

Inasmuch, therefore, as Congress will be entirely free to reject a mandate proposed, I see no objection to this article as it stands, although I think it would be wise to give notice to the other members of the league, by accompanying resolution, but as no part of the ratification, that Congress alone will exercise this discretion and that the Executive has no power to do so.

JURISDICTION OVER DOMESTIC QUESTIONS.

Serious objection was raised over granting the league jurisdiction over purely domestic questions upon which disputes may arise with other nations.

An amendment has been made, intended, no doubt, to remove this objection, but, in my judgment, it only partially does so. The amendment found in article 15 reads as follows:

If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and shall make no recommendation as to its settlement.

While this is an improvement over the original draft, it is still open to objection, for as I construe it it grants to the council jurisdiction to determine what are domestic questions. If this council were a judicial body, this to my mind would constitute no great objection; but it is not. The council is a political body. Each member of the council will be seeking advantage for his own Government, except the representative of the United States, and this council will never acquire the judicial attitude of a court. If it should be to the advantage at any time of the other Governments members of the council to take jurisdiction of a domestic question in the United States, it is not at all improbable that they would do so. But those who urge the ratification of the treaty without reservations contend that no jurisdiction is given the league over domestic questions. Then why not by reservation say so in plain language, so that it will be clear that the decision of the council shall not be binding upon a nation claiming that the dispute is wholly one within the domestic jurisdiction of that nation?

RIGHT OF WITHDRAWAL.

There are many of us, Mr. President, who felt that we could vote for no league of nations whose constitution did not provide for the right of withdrawal. We felt that to enter into

obligations perpetual in their nature, obligations that might result in the destruction of our Republic, would be an act of despotism inconsistent with the right of any free people. For one man, the Executive, and 96 Senators to fix obligations for unborn generations to the end of the world without opportunity to ever be relieved of them would be the greatest crime in history, a crime greater than the autocracy of the Kaiser, whom we have defeated. Autocracy can be destroyed by revolution, and it is the right of a people to change their government as they see fit. We in the United States have provided an orderly, peaceable way of doing so; but the right of revolution, either by the ballot or with the sword, carries no right to violate solemn obligations duly made with other nations, and the original constitution of the league carried a perpetual obligation. The provision for amendment offered no protection, for other nations could prevent amendment.

I am aware, Mr. President, that some Senators sought to defend this un-American and undemocratic obligation, which leads me to remark that partisanship is being charged against Republicans in the consideration of this treaty, a charge which I know—at least as to the overwhelming majority of Republican Senators—is utterly without foundation. But I do say, Mr. President, that if Senators across the aisle would only forget that President Wilson is the leader of the Democratic Party, and remember that this is an American question so crucial, so important to our country, so fateful to its future that consideration of political advantage should not have the weight of a feather in our deliberations—if this could be done, Mr. President, I am confident that we could come to an almost unanimous agreement as to reservations for the protection of the United States.

When I digressed I had stated that some Senators prior to the amendments made at Paris sought to defend the perpetual obligation imposed. Those Senators will in due time answer to their constituents for the position then taken. But, fortunately, that is no longer an issue, for the amendments made provide for withdrawal upon two years' notice, provided that all of the international obligations of the withdrawing member have been fulfilled at the time of withdrawal.

This, in my judgment, sufficiently protects the right of withdrawal, provided the interpretation is given that the withdrawing member shall itself determine whether its obligations have been fulfilled to give it that right. It is contended by some that the council will determine that fact, and that, therefore, no right of withdrawal exists without the permission of the council. It is my opinion that no such jurisdiction is vested in the council or the league. If a dispute arises between the league and a member on this question, each stands upon an equal footing. It is exactly as if two parties to a contract disagreed as to its terms and there was no judicial or other determining body created by law to settle the dispute. Each party could put his own construction upon it. One could refuse to perform, and the other could only compel him to perform if he was the stronger of the two. The only determining factor in such a case would be "might makes right." But the league of nations is given no authority to enforce its decisions, and inasmuch as we have made no agreement to be bound by its decision upon the question of withdrawal we would be free to act. Remember, this would be a dispute between ourselves and the league, not between us and individual members of the league, and it is clear to me that to bind us there would have to be a clear grant of power to the council or the league to decide the dispute, and no such grant is found in the covenant.

The distinguished Senator from Virginia [Mr. SWANSON] takes this position, but there are other Senators upon both sides of the aisle who do not agree to this construction. In these circumstances there should not be the slightest objection to a reservation giving our construction of this provision, and, of course, the Senator from Virginia [Mr. SWANSON] will be glad to support such a reservation, which is wholly in accord with his own views.

THE MONROE DOCTRINE.

Very similar observations can be made with regard to the Monroe doctrine. It is insisted by all of the supporters of the covenant in the form now proposed, without reservations, that the Monroe doctrine is fully protected, while other equally eminent statesmen and lawyers express grave doubt upon the subject.

No one attempts to defend the phraseology purporting to safeguard the Monroe doctrine. Its defenders admit the provision is awkwardly expressed. It reads: "Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace." Even Henry W. Taft, brother of the ex-

President, in the volume entitled "The Covenant," says "it need not be denied that this descriptive phrase was not the best that could have been selected," and he proposed a reservation upon it which I quote:

But if the Senate is of the opinion that the use of the words "regional understandings" creates any doubt as to the meaning of article 21, it can in ratifying the treaty make a declaration that its action is taken under the reservation that the covenant is to be so construed as to leave the Monroe doctrine unaffected. In view of the general purposes and effect of the league referred to above, such a reservation would not be regarded as a substantial amendment of the covenant.

Mr. President, aside from the indorsement thus given to a reservation upon the Monroe doctrine, I commend this opinion to those Senators who contend that any reservations made will jeopardize the entire treaty. But I have no doubt that at the proper time the Senate will readily agree to a reservation upon the Monroe doctrine.

There is another reservation that I think there would be no difficulty in agreeing upon, and that is in relation to disarmament should any nation adopt the recommendation of the council in that regard. It will be remembered that when the plan formulated is once adopted, armament can not thereafter be increased without the consent of the council.

Gen. William Crozier, whose article upon the league of nations I placed in the *Record* a few days ago, called attention that this should apply only to peace armaments, and this is very obvious. When we consider that the league assents to war under certain conditions, it is plain that nations actually engaged in war with such assent should not have the limitation applied to them while so engaged; otherwise a nation having a stronger military or naval force than its opponent would have it at its mercy.

ARTICLE 10.

This brings me to a discussion of article 10, around which centers the principal contest over the ratification of the covenant in its present form. By its terms the United States would guarantee the existing political independence and territorial integrity of every other member of the league against external aggression.

Mr. President, I had supposed that there was, at least one policy settled by the American people for all time, and that is that the United States would never engage in an unjust war; that the United States would never fight upon the side of an oppressor; that it would never fight upon the side of autocracy against liberty; that the blood of our boys would never be poured out to preserve despotism anywhere upon the face of the earth. Until a short time ago anyone who would have proposed otherwise would have been looked upon as a traitor to the ideals upon which this Republic was founded.

Mr. President, it would be bad enough to obligate future generations to fight for any cause, but it would be monstrous to obligate them to fight for an unjust cause, and that is exactly what article 10 in its present form does. Under this article, if any member of the league should undertake to do for an oppressed people what France did for us in the Revolutionary War, what we did for Cuba in the Spanish War, we would be compelled to fight that nation.

President Wilson has declared time and time again that the application of his 14 points was absolutely necessary to insure a just and durable peace. I have demonstrated how those principles have been violated in the treaty before us. If President Wilson was right upon his 14 points, then he is wrong now in demanding that we underwrite to the extent of all our man power and all our resources a peace not in accord with those 14 points.

Let me give two concrete examples of our obligations under this article:

In case China should engage in war for the recovery of Shantung, of which she has been robbed, we engage to fight upon the side of Japan to help her retain her stolen property.

In the case of the Saar Basin it is provided that at the end of 15 years a plebiscite shall be taken upon three questions—1, maintenance of the régime established by the treaty; 2, union with France; and 3, union with Germany. But even though the vote is in favor of Germany at the end of these 15 years, the league is empowered by a majority vote to turn the inhabitants over to the sovereignty of France. What a mockery of the right of self-determination! Assuming that, notwithstanding the wishes of the people affected, the league turns them over to France and the people rebel, if Germany should ever assist them under article 10 we would be compelled to fight, not to resist unprovoked aggression by Germany upon territory that she is in right and equity entitled to, but on the part of France to enable her to retain under her sovereignty an unwilling people.

Mr. President, it was with special reference to article 10 that I examined at so much length the application of the President's

14 points to this peace treaty, and particularly in view of the treaty's violation of them. I assert that neither President Wilson nor the Senate of the United States has any moral right to obligate the United States to go to war to preserve the territorial integrity and existing political independence of members of the league.

If article 10 be assented to in its present form, then future generations will not be permitted to consider the justice of declaring war to fulfill this obligation. If they are called upon to declare war to preserve an existing injustice, to protect despotism, they must choose between fighting in an unjust cause or regarding a solemn treaty as a scrap of paper.

We should all agree that never shall we be placed in Germany's class regarding the obligation of treaties. Therefore, with this article in its present form, whenever the occasion may arise the people of the United States will not be permitted to determine the justice of a war in which they may be called upon to engage, but they are told by this article—

Theirs not to make reply,
Theirs not to reason why,
Theirs but to do and die.

I have spoken thus far of our engagements to preserve the territorial integrity of boundaries as fixed in this treaty. In addition, there are other boundaries of which we know nothing as yet that are also guaranteed by article 10.

Peace treaties between Austria-Hungary, Turkey, and Bulgaria have not yet been completed. What form they will take we do not know, but we have sufficient information to have just grounds for fearing that these boundaries will not be in accord with the 14 points. We know something of the bitterness existing between Italy and the Jugo-Slavs. Our mail is daily filled with propaganda by both sides. If we should ratify this treaty now with no reservation as to article 10 we would guarantee territorial boundaries which are not now in existence and concerning which peoples are to-day actually engaged in war.

Can it be possible, Mr. President, that there is a Democrat so partisan that he does not see the necessity of a reservation as to article 10 relieving us of the obligation of declaring war in an unjust cause? I am profoundly convinced that if partisanship be forgotten and only Americanism remembered we can agree upon a reservation to this article, now so dangerous to the cause of true liberty, so destructive of American ideals and principles. I care not in what form the reservation is made so long as it does not obligate us to engage in war irrespective of the justice of the cause. It may take the form of a reservation that inasmuch as Congress alone under the Constitution has the power to declare war the ratification is made with the reservation that nothing in the treaty shall obligate the Congress to declare war against its will. It may take the form of undertaking for ourselves only to respect the territorial integrity and existing political independence of members of the league, without requiring us to compel others to do so. Other forms of reservations would be acceptable so long as they accomplish the one object of leaving to the people of the United States freedom of action to refrain from engaging in war against their will.

This does not mean that the United States will not concern itself in external aggressions against any people. It does not mean that we will not in any particular case agree to make war against an offending member; it means only that when that time may come the boys and the fathers and mothers of the boys who would do the fighting shall have a voice, through the Representatives they have chosen, in the determination of that question.

With the reservations I have referred to I believe the league of nations should be agreed to, for I believe that then there will be no surrender of those liberties for which the fathers fought and died and for whose preservation thousands of American boys lie sleeping under the sod of France.

I believe America is the hope of the world. Let us not destroy that hope by making any engagements not in keeping with eternal principles of liberty and justice, but rather let us co-operate in a league of nations for their promotion, reserving to ourselves the right to determine the justice of a cause for which we are asked to fight.

Let us declare that this great people stand ready to fight in any war which may again menace the peace of the world, but that we will fight only upon the side of liberty and justice, and will enter into no obligations to do otherwise.

Mr. POMERENE. Mr. President, if I may, I desire to ask the Senator from Wisconsin a question before he takes his seat. A few moments ago, while discussing the subject of the German colonies, the Senator referred to that paragraph in the treaty which reads as follows:

Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions.

Thereafter he made the statement, if I understood him correctly, that that gave to us an undivided one-fifth interest in those German colonies.

Mr. LENROOT. I did.

Mr. POMERENE. The Senator did not understand, I assume, that it gave to us an undivided one-fifth sovereignty over these colonies in perpetuity?

Mr. LENROOT. I do, so far as the cession from Germany is concerned. The only limitation upon it is the mandates of the league of nations.

Mr. POMERENE. That is just what I expected to refer the Senator to. That article, being article 22 of the covenant, reads, in part, as follows:

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this covenant.

Then it continues:

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as mandates on behalf of the league.

I desire to call the Senator's attention to the further language to the effect that these colonies are believed to be divisible into certain classes, and reference is made to the colonies of Turkey. I will read the first sentence referring to the Turkish Empire:

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory.

I refer to these provisions as indicating what is clearly the intention of the powers—that these colonies shall be given their independence so soon as they may be regarded as capable of exercising it. I do not believe that any other construction can be fairly placed upon that language.

Mr. LENROOT. Does the Senator deny that the cession of Germany does grant all of the title of her colonies to the five powers?

Mr. POMERENE. There is no doubt about that at all.

Mr. LENROOT. So far as the mandatory is concerned, it is merely the managing agent. The "Big Five" control the league. So far as these declarations are concerned, as the Senator well knows, it is exactly the policy that Great Britain has set forth to the world as her reason and her excuse for enlarging her empire from time to time.

Mr. POMERENE. Oh, no; with all due respect, these provisions of the treaty must be construed as a whole; and it seems to me that, if one bears in mind the trust powers which are conferred upon the mandatory through the league, the ultimate result will be that as quickly as these nations arrive at a point where they can govern themselves they will be given that right.

Mr. LENROOT. There is not a word or syllable in the treaty from beginning to end that will be binding on any of the five powers to do that thing any more than there is in the treaty with reference to compelling Japan to release the sovereignty of Shantung to China.

The Senator argues that this is a trust to the five principal allied powers. I will ask the Senator why the distinction was made in the case of the Saar Basin, where there was a cession, not to the five powers but to the league of nations in trust? Why, if the Senator is correct, was there not a cession to the league of nations in trust for the colonies of which he speaks?

Mr. POMERENE. Oh, Mr. President—

Mr. LENROOT. I beg pardon. It is very evident that the powers, including the United States, look upon the entire league of nations as an experiment, and we must all consider the possibility of the league of nations going the way that other leagues have gone in the past. When it does, the United States will have an undivided one-fifth sovereign interest in every one of these German colonies to do with them as it will.

Mr. POMERENE. Mr. President, I, of course, do not know what the reasons were which prompted the peace commissioners to make the distinction, though I think I can understand. The Saar Basin was a part of the German Empire and a part of Germany's territory. The interest which the Allies took in that basin was for a period of 15 years. It was a leasehold, in other words, with certain possible rights to mature or to be perfected thereafter. That was one thing; but it was certainly clearly the intention of the peace commissioners entirely and forever to separate the German colonies from Germany. So in dealing with the subject they saw fit first to take the

entire title to those properties over to themselves and then, under the covenant of the league of nations, they provided the method for their tutelage. There is certainly a very clear distinction between the two.

PEACE TREATY AND THE LEAGUE OF NATIONS.

Mr. FLETCHER. Mr. President, with reference to the observations of the Senator from Wisconsin [Mr. LENROOT], I desire to say that it seems to me perfectly clear that the five powers do not take each an undivided one-fifth interest in all the territories or colonies in the way and in the respect that the Senator from Wisconsin seems to have in mind. That provision of the treaty found on page 63 of Senate document No. 49, being article 199, that "Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions," is simply a kind of a transfer or assignment or quitclaim of all her right, title, and interest in all her overseas possessions. It is followed by article 257, which is found on page 114 of this document, in which it is provided that—

In the case of the former German territories, including colonies, protectorates, or dependencies, administered by a mandatory under article 22 of Part I (League of Nations) of the present treaty, neither the territory nor the mandatory power shall be charged with any portion of the debt of the German Empire or States.

All property and possessions belonging to the German Empire or to the German States situated in such territories shall be transferred with the territories to the mandatory power in its capacity as such, and no payment shall be made nor any credit given to those Governments in consideration of this transfer.

That relates back to article 119 and to the transfer to which the Senator referred, and shows the relation also between the treaty and the league of nations; the one fits in with the other, because this very article 257 refers specifically to article 22 of the league of nations, to which the Senator from Ohio [Mr. POMERENE] has alluded. The three articles are in that way tied together so as to make it perfectly clear that, whereas Germany relinquishes all her right, title, and interest in these colonies to the powers mentioned, they are to be held in trust for the benefit of the colonies themselves; and the mandates selected and agreed upon and accepting that trust shall be vested immediately with the control of the properties so far as may be necessary in order to effect the tutelage, development, progress, and growth of those colonies.

That is the purpose of the whole plan. The purpose is not that the United States shall have any undivided interest in these colonies as such. The United States, merely as a party to this agreement, proposes to recognize the principle of a trust relation between the mandatory and the colonies themselves as created by the covenant, the idea being that a relation somewhat like that of guardian and ward will be established between the mandatory and the colony in each instance.

The Senator from Wisconsin alluded to another feature which he said was something of a disappointment to him, regarding this treaty, and that was that it did not absolutely do away with secret diplomacy. Of course, there is no way to prevent secret communications, secret conferences, and secret transactions between diplomats or representatives of governments. The only thing that can be done is to prevent secret contracts in the shape of treaties, and that is accomplished by the provisions of article 18 of the league of nations covenant, which requires that—

Every treaty or international engagement entered into hereafter by any member of the league shall be forthwith registered with the secretariat and as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Other points discussed by the Senator from Wisconsin I will attempt to deal with as I reach them.

Mr. President, speaking generally with reference to the treaty and the league of nations, so much has been spoken and written on this subject that I must doubt if I shall be able to offer a new thought. It is a case of "Say what you will, you may find it all in Plato."

It is a matter of such momentous and vast importance to the country and, indeed, to the world, however, that I feel under a burden of duty to indicate the views with which I am impressed and which will control my action respecting the treaty.

The duty of passing judgment on this treaty involves the duty of studying it and reaching conclusions about it, and the responsibility of recording that conclusion would seem to involve the obligation to express the reasons therefor.

The treaty is now before us. It must be ratified or rejected in whole or in part. Accepting it upon conditions or with certain reservations is the same thing as refusal to ratify it as presented. Such a course proposes changes and modifications, which must be submitted to the other parties to the treaty. If they agree to such changes or modifications, the treaty will take that amended form. If they disagree, the treaty fails. The

President has the sole authority and responsibility under the Constitution to negotiate the treaty. As completed in the process of that negotiation he must then lay it before the Senate for its "advice and consent."

The Senate, of course, may differ with the President and refuse its consent and may advise that certain changes be made or certain reservations or conditions may be required or imposed.

In that case the President may drop the matter or he may present the Senate's action to the reassembled conference for its acceptance or rejection.

If the latter happens, there is no treaty, so far as we are concerned.

There must be a meeting of the minds of all the parties on all the provisions as they appear, as in the case of every contract; otherwise there is no contract.

Mr. Justice Brown said, in *One hundred and eighty-third United States*, pages 176 to 183:

Obviously the treaty must contain the whole contract between the parties, and the power of the Senate is limited to a ratification of such terms as have already been agreed upon between the President, acting for the United States, and the commissioners of the other contracting power. The Senate has no right to ratify the treaty and introduce new terms into it which shall be obligatory upon the other power, although it may refuse its ratification or make such ratification conditional upon the adoption of amendments to the treaty.

It is most deplorable that at the end of the four years' war, the most terrible and gigantic in history, in which the cause of democracy and freedom was victorious, and after some five months of discussion of the terms the winning nations should impose on the defeated foes, and the final settlement of those terms, which has been with infinite labor, patience, and care reached, we are now confronted with differences here which go to the very root of that settlement.

It is most unfortunate that we can not unite, as did those around the peace table, and give our unanimous indorsement to what they did. Doubtless each one of them would have written something different if their views and wishes, respectively, had been singly and alone consulted. They gave and took for the general good; put to one side selfish demands; yielded individual preferences to the common cause; adopted a broad view of conditions; and in a generous, patriotic spirit endeavored to safeguard the future while taking care of the present.

When we entered the war our undertaking was to resist and overcome the deadly assaults made on the democracy of the world and to secure both a righteous and a permanent peace. With this pledge in mind, after victory was attained, the President, who had outlined the issues and set forth the general principles of settlement, which were accepted by our associates, personally took part in the negotiations and assisted in framing the treaty which was finally agreed upon and which he has laid before this body for its appropriate action.

The principal objection urged is with respect to the provision for a league of nations.

By this provision it was intended "to promote international cooperation and to achieve international peace and security by the acceptance of obligations not to resort to war; by the prescription of open, just, and honorable relations between nations; by the firm establishment of the understandings of international law as the actual rule of conduct among governments; and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another."

Such a purpose surely commends itself to the intelligence and conscience of mankind everywhere.

If there be any provision in conflict with the high objects declared, we may well examine it and criticize it, and even endeavor to correct it.

There is no provision inconsistent with the intentions set forth. They are not only in harmony with those aims but they are essential to their effectual accomplishment.

It is difficult to suggest any improvement of thought or language to that end.

There has been no successful effort of that sort.

It is even more difficult to point out a way of effecting the purposes mentioned by any less emphatic or less binding covenants.

It would seem unnecessary to add to or take from the terms of the covenant.

OBJECTIONS TO ANY LEAGUE WHATEVER.

Some of those who raise objections to the league of nations covenants do so on the ground that we should refrain from any alliance whatever with other nations respecting peace or war; that the United States should not enter into any international agreement or form any league or associate themselves with any nations in the form of covenants imposing any obligations

or limiting in any degree perfect freedom of action in any and all circumstances.

They not only oppose the league of nations plan now before us but they are opposed to any kind of a plan.

It is not worth while to discuss the details of the plan submitted, so far as they are concerned.

It could not be made satisfactory to them. No amendment, no reservation, no separate construction, no condition, could be framed that would cause it to meet with their favor.

They argue that any covenant with other nations, any alliance, would mean a certain relinquishment of our sovereignty, a sacrifice in some degree of our independence, and they are unwilling to allow either.

I am utterly unable to see any such danger or to find any grounds for such objections in the terms of the covenants submitted. There would be, of course, some right of free and independent action surrendered just as there is under any contract any individual may make. The consideration received is a fair exchange in the one case as in the other. The covenants of all the other nations, the relinquishments and yielding of arbitrary, unrestrained action on their part is an important consideration. The concessions, which are mutual, in favor of a council and an assembly, in which we all take part, for certain definite and fixed objects, is shared by all for the good of all. The return of what is given up balances the giving. The consideration is the securing of the peace of the world. The prevention of such bloody performance as we have experienced the past four years surely is of some value. If we have a conscientious and certainly to some extent an efficacious scheme to prevent war, avoid anarchy, and make impossible chaos, surely it would be advisable to invest a modicum of sovereignty and independence in it.

If by surrendering something ourselves, valuable though it be, we can help establish a reign of international law and international morality, we may well make the contribution. We save and reserve and hold all the sovereignty and all the independence we can use or can ever need when we part with enough to furnish our share of what may lead mankind away from force and oppression to the high plane of peace and law and justice. We have done this thing we are now warned against, given up something of sovereignty and something of independence, in every treaty we have made, and we have been wisely and without regret making them for over a hundred years.

ISOLATION IDEA.

The argument that we ought to attend to our own affairs and withdraw all concern about the affairs of others is not persuasive. Robbed of its obvious selfish character it is founded on the wrong hypothesis. It is founded on the notion of an isolated America. It presupposes that this country stands quo ad the world just where it was a hundred years ago. It takes no cognizance of the progress made in the sciences and arts. It ignores the increase in population here and elsewhere and the development and expansion which has brought all the peoples of the earth into elbow touch. It takes not into account the means of communication, the facilities for transportation, which serve the interest as well as the wants of people in the most remote regions, and which emphasize the dependence of each and the interdependence of all.

When the much-quoted advice about avoiding entangling alliances was given in September, 1796, conditions at home and abroad were altogether different from what they are now. Indeed, human foresight could not have pictured the changes which have taken place. The imagination could not have grasped them. Patrick Henry rode up to the home of his friend George Washington at Mount Vernon one evening on his way to the First Continental Congress. They spent the evening no doubt discussing the work ahead of them. Next morning they, the first Virginia Delegates, proceeded by the shortest route and the fastest means—on horseback—to Philadelphia. They arrived at the end of the third day. In as many hours by three different ways that journey can be made to-day—by railroad train, automobile, and aeroplane. Those gentlemen would not have believed such a thing possible.

In the time it required Andrew Jackson to journey from the Hermitage to Washington to take the oath of office you can encircle the globe. There is not a spot on earth a battle could be fought after peace was declared without knowing the war was over, as was done at New Orleans.

In those days the Atlantic was crossed in wooden vessels of a few hundred tons, requiring a month for the trip. The minds of men could not conceive the possibility of liners of 50,000 tons, requiring six days, and carrying 10,000 people.

Communication by small boats and by couriers overland in those days was quite a different thing from the telegraph, telephones, railroads, and steamships of to-day, which make the oceans but small lakes and the very air a whispering gallery.

Wireless messages flashing 8,000 miles annihilate time and space.

When the Secretary of the Navy can sit at his desk and talk to an aviator flying 90 miles an hour, 150 miles away, it ought to convince us that America has not stood still during the passing, pulsing years.

The same is true of other countries in varying degrees.

A proposition to ransom American captives in Algiers and pay tribute to the Berber Government, such as Washington urged in 1792, would scarcely meet with favor to-day. When one talks about departure from the policy of Washington, as announced in September, 1796, it may be in order to say the President would not to-day negotiate a treaty and the Senate advise and consent to its binding the United States to pay a "Barbary pirate" \$40,000 to ransom 35 captives, and \$25,000 bonus, and \$25,000 annually for exemption from depredations. We would deal with that situation in quite a different way.

It may be conceded that some peoples have made little progress, but generally it would be found in their cases the laws of evolution have not had full play. By reason of oppression, lack of freedom, constant wars, no incentive or encouragement to progress, no opportunities such as obtain where every man is set free to be his best and do his best, they have been held back. They ought to be given a chance. If we can be of service in that direction, can we justify a selfish determination to turn a deaf ear to their call?

It must be considered, too, that, whether we like it or not, we are to some extent involved in their fate. The earth has been compressed. We are next door to people we only knew in a historical way in our early days. We trade with them. We are producing things they want, and they are producing things we want, and we have the means of conveying those things back and forth. Their social life and customs, particularly their health, concern us. An epidemic of some fatal disease may spread to our borders from foreign lands. Our people travel and invest everywhere. Other people do the same. A financial disturbance in almost any country has its reaction or consequences of some kind here. An earthquake or volcanic eruption occurring anywhere on the earth is known within a few hours, and relief measures are at once instituted where they can avail.

The war just ended demonstrates conclusively we can not escape any similar outbreak and calamity begun anywhere. Experience ought to have taught us that we are no longer isolated, and the possibilities of isolation grow less and less as time passes. The movement is the other way, as certain and as irresistible as the tides.

As the heaped waves of the Atlantic follow the moon, the currents of world activities and world experiences follow the laws of progress. Man is not lost or condemned; he is imperfect, and his destiny is toward perfection. The same is true of peoples and nations. Society is not a piece of mechanism, like a house, which may be destroyed totally. Human society is an organism composed of living cells capable of unlimited growth. So with nations. If the large and powerful may cooperate, they can be of immense advantage without material burden to themselves, and that cooperation may extend to the small and weak, so they may live their own lives and develop without interruption. No civilized nation can be indifferent or "careless of mankind." Certain responsibilities to civilization, to mankind, rest on all enlightened people and their government. One of these is to, if possible, prevent the slaughter of human beings and the wanton destruction of treasure to gratify the greed and ambition of some unscrupulous oppressor.

Individuals, through passion or a kind of insanity, harm the innocent and outrage society. Nations lose their self-control. Some superior authority must restrain the one, and there ought to be some power to protect against the ravages of the other. The good of society requires the one and the good and happiness of the world calls for the other. The heavy burden of duty rests upon all men in position to aid in bringing about that condition of order and stability.

OTHER OBJECTIONS.

Before the league of nations was formulated there were those who were sneering at it, criticizing the idea, and raising objections to it. After the first draft was prepared they were loud in their denunciation. One can not escape the impression that many of these were prompted by personal animosity toward the President and others by partisan bitterness, and both these groups by a desire to paralyze his leadership at whatever cost, and that at a time of a commanding world crisis. They were plainly actuated by the ignoble motive to handicap and hinder, and they offered no assistance or constructive suggestions.

Others doubted because they lacked vision; withheld approval because they did not grasp the subject. Others, since they could

not lead themselves, were disposed to criticize all efforts and thwart all accomplishment.

They demanded they should be consulted, even though the Constitution vested the authority to conduct negotiations exclusively in the Executive.

They continued their attacks while the negotiations were in progress, when they knew the only effect would be to embarrass those having the matter in hand.

They discussed "leaks" which amounted to nothing, but which they endeavored vainly to magnify into a public scandal. They offered resolutions and had them cabled to the peace conference—and then let them rest.

Finally the time came to specify, and the burden of complaint was directed to article 10. That article is short and reads as follows:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

This article clearly and expressly refers to *external aggression*. Only in case of *such aggression*—that is, an attack by one State on another, an invasion from the outside by one nation of another, or the threat or danger of such attack or invasion—will the league have any jurisdiction.

Then the action must be unanimous, excluding the parties in interest. The action is limited to *advising* "upon the means by which this obligation is to be fulfilled."

Under article 12 the members of the league agree to submit any dispute which may arise between them either to arbitration or to inquiry by the council, composed of nine members, and they further agree not to resort to war until three months after the award by the arbitrators or the report of the council. The award of the arbitrators, if the matter is submitted to them, must be made within a reasonable time, and the report of the council must be made within six months after submission, if the dispute goes to them.

Upon 14 days' notice either party may have the controversy go to the assembly. The action there must be by unanimous vote of all members of the council and a majority of the assembly.

Under article 13 the members agree to submit matters recognized as suitable, and which can not be settled by diplomacy, to arbitration. For instance:

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The members of the league agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a member of the league which complies therewith. In the event of any failure to carry out such an award, the council shall propose what steps should be taken to give effect thereto.

Article 14 authorizes the council to formulate and submit to the members of the league plans for the establishment of a permanent court of international justice.

Article 15 provides that disputes not submitted to arbitration the members agree to submit to the council, and the council will endeavor to effect a settlement.

If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

The council may in any case under this article refer the dispute to the assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the council.

Article 16 provides for the steps to be taken in case of disregard of covenants under articles 12, 13, or 15 toward the offending nation. It is to be subjected to the "severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse."

The council must *recommend* to the several Governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

The members covenant to mutually support one another in the financial and economic measures which are taken.

These are the vital, working articles of the league. The plan would be ineffectual without either of them. It would amount to a mere expression of purpose and a sort of interchange of sympathy and good will. These articles make the plan workable, practical, and efficacious. They are necessary just as the

league is a necessary part of the treaty if we are to have reasonable assurances of peace lasting overnight. Without them, the league is a hollow shell, a pretense, and a sham.

In almost every case resort to economic pressure as provided in section 16 will afford ample remedy for any violation of the covenants by any member or any breach of peace attempted by any nonmember State. No State can live for any considerable time cut off from the rest of the world. America can come nearer doing it and can continue longer than any other because we produce a surplus of the prime necessities of life under existing conditions. If our markets are done away with, however, that situation would be changed. If other nations should refuse to take our surplus, need it though they would, production would soon diminish.

I venture the prediction that in all the years to come, in actual practice, military force will not be found necessary to restrain any law-breaking nation and prevent it from disturbing the peace of the world. The cooperation of all other nations to completely isolate such a nation, refuse all intercourse or communication with it, will be sufficient.

Under article 22 mandatories, willing to accept their responsibilities, are provided to serve the colonies and territories. This is a very wise disposition of what might be a troublesome problem without it.

COST OF THE LEAGUE.

It will be necessary for the members to contribute to the expenses of the league. This should constitute no objection. If the league accomplishes anything approaching expectations, the amount expended in its maintenance and for carrying on its work will be a nominal sum in proportion to the benefits. When we consider the enormous cost of maintaining the military establishments of the various countries at the beginning of the war just ended, and the fact that they were increasing year by year, a large portion of which may be dispensed with and saved to the taxpayers if this league is agreed to, we will have no hesitation in appropriating our proportion. Our Regular Army grew from 1,200 in 1790 to 100,000 in 1914, and our Navy from nothing to the third largest in the world. Already the Secretary of the Navy has reduced his program by some 10 battleships and 7 cruisers in contemplation of such a league. The cost of one cruiser would more than cover our share of annual league expense. Before entering the war we were spending some \$281,000,000 on our Army and Navy Establishments annually. France was paying out about \$344,000,000, Great Britain about \$386,000,000, and Germany about \$443,000,000. No return in the shape of earnings or revenue were derived from these annual outlays. The money came from the taxpayers and none of it went back. It was an investment of the people's money in that protection, a large portion of which, at least, will be guaranteed by the covenants of this league of nations—this agreement with the other Governments for their common benefit. To be more exact, the following are the figures:

Pre-war annual war expenditures. (Not including pensions.)

GREAT BRITAIN.

Year ending March 31, 1914:	
Army	\$142,000,000
Navy	244,000,000
Total	386,000,000

FRANCE.

(Budget.)

Year ending December 31, 1914:	
Army	\$241,000,000
Navy	103,000,000
Total	344,000,000

ITALY.

(Budget.)

Year ending December 31, 1913:	
Army	\$6,000,000
Navy	40,000,000
Total	126,000,000

UNITED STATES.

Year ending June 30, 1916:	
Army	\$125,000,000
Navy	156,000,000
Total	281,000,000

GERMANY.

Year ending March 31, 1914:	
Army	\$223,000,000
Navy	120,000,000
Total	443,000,000

Total for these five countries, annually, \$1,480,000,000. This is in part only of the material side of the question. The asso-

ciation in binding contract with the other nations, whereby the lives of the bravest and best of all lands shall be saved, suffering and sacrifice avoided, is the really important consideration.

American interests and American independence are adequately safeguarded.

If for any unforeseen reason the league should prove disappointing, article 1 provides:

Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

OTHER OBJECTIONS.

The objection that America has only one vote while small countries have the same is not well taken. It is not reasonable to assume that those countries would be unfriendly to us. The requirement in important matters of a unanimous vote should suffice to insure against combinations and prejudice. For practical, crude illustration, suppose some country should undertake to raise a quarrel with us because of our immigration laws. We would contend the question of immigration is a domestic one and the league is without jurisdiction. The matter is taken up by the council. Let us assume, for argument, that the council is composed of weak or worse members, and they unanimously decided against us. We would decline to be bound by their recommendation. Suppose the complaining State would declare war against us. We would be in no worse position than we would be if we had never entered the league of nations. It is true we could obtain no assistance from the other members of the league. We would be obliged to defend ourselves alone, but we would expect to do that, league or no league. On the contrary, we are not justified in indulging in so violent a presumption, and beyond question the council would hold in accordance with our contention that immigration is purely a domestic question as to which the league has no jurisdiction. The same is true of any other matter "solely within the domestic jurisdiction" of any party, as provided in article 15.

In general, then, this proposed league provides a method for the peaceful settlement of international disputes. The essential covenant permits delay for arbitration, or inquiry, before any hostilities begin.

By such inquiry and delay war was averted between France and Germany over Morocco differences in 1905.

By this means the Balkan difficulties were adjusted in 1912.

We can well conceive that if there had occurred delay and conference in July, 1914, Austria might not have declared war on Serbia and set the world on fire.

The covenants of the league compel that course which will in all human probability prevent war.

In 1914 to 1916 the President negotiated and the Senate consented to some 20 treaties with as many governments, which provided for arbitration and delay.

We regarded the idea a sound one then; it is just as wise to-day. It was necessary to provide for the enforcement of the covenants, which is done. The evils of competitive armament are recognized and a plan for reduction is set forth. Experience has shown that it is most important to eliminate secret treaties and intrigues, and that is taken care of.

The doctrine that backward peoples constitute a sacred trust of civilization is truly expressed and the machinery is set forth for discharging that trust.

America has responsibilities which extend beyond her borders. It must be considered that it is not enough for a nation that it live to itself and have no enemies. It is necessary that a State should have some friends. Cooperation and good will are desirable. One receives only as he gives. "Generosity makes friends—grateful and enduring friends."

IF THE LEAGUE FAILS.

If this league of nations is rejected, or if it is amended, or if reservations or conditions inconsistent with its terms are made, which would destroy it—and that would be the purpose—there will be stricken down the finest thing for the future that it was possible to get out of the most extensive and cruel war of all time. If this treaty with the league of nations in it is rejected, it means the peoples of the earth will be told war is inevitable—get ready for the next one, soon to come. "Lay burdens on your taxpayers in order to maintain and increase your standing armies and your navies!" They will be further told human nature is so weak, ignorance is so dense, hearts are so cold, the advance of the race so meager that there is no escape from the Rob Roy plan:

Let him take who has the power,
Let him keep who can.

I do not agree to such conclusions. I believe it is possible, in very large measure, if not absolutely, to prevent any serious war involving any considerable number of people, or seriously

affecting the peace of the world, by a plan of cooperation such as is contemplated in the proposed league of nations. I feel quite certain it is feasible, and now is the time to reduce armaments throughout the world and devote the money heretofore required in that connection to better uses.

Those who have experienced the agonies of this war are prepared to enter into covenants pledging their good offices and their good faith to do the necessary things, when occasion arises, to prevent anarchy, to uphold obligations, to maintain international law and order, and give a chance for mankind to make progress.

If we share, or even sacrifice, some right to independent action, and in exchange gain support to our fundamental policies and essential principles, we in no wise modify our form of government or surrender any established rights.

I believe this proposed alliance will accomplish the enlightened purposes indicated and prove a blessing to all the members of the league.

Two men threw a detested representative of the Crown out of a window of the Sprague Palace. Followed the 30 years' religious war which came to an end by the treaty of Westphalia, in 1648. There has been no religious war since. A conflagration started by an incident like that mentioned should be controlled and stopped in the beginning.

June 28, 1914, one man was assassinated in a Bosnian town. Followed the most disastrous war in history, the terms of peace being agreed upon just five years to the hour thereafter. I believe the world can be spared the horrors of such a war. If not, the next one will likely mean the extermination of the race. We were forced into it, and pledged to protect our country from the domination of the military power instigating it, pledged to win, we also pledged to secure both a righteous and permanent peace. The President of the United States outlined its issues, commanded our forces, and laid down the basis of settlement. His leadership was accepted by our associates; his vision, counsel, and statesmanship recognized. He saw the war would have been fought in large measure in vain if he came from the peace table after conference with the brightest minds of the age, obliged to say to the people everywhere, there can be no permanent peace this side of the grave.

After 40 years of wandering from Egyptian bondage Moses was at last able to say to the children of Israel, as he directed their attention, "Behold! the Lord thy God hath set the land before thee, go up and possess it." So the President has pointed the way of hope for humanity and assurance for the world. Shall this Senate turn its back and refuse its advice and consent?

It is due the 8,000 gallant American marines who fought at Chateau-Thierry, leaving all but 1,800 on the field, with the result that Paris, France, the world, were saved; it is due the 500,000 heroic Americans on the firing line at the finish, and the 45,000 slain in the Argonne; it is due the 2,000,000 brave American soldiers in France, eager for the combat, the 2,000,000 equally eager in camps here, the 13,000,000 more registered and ready to go; it is due the 286,330 American casualties, and the dead of the Army and Navy, 122,500, their widows and mothers; it is due the 7,450,200 who suffered death in battle in all armies, and the 18,000,000 maimed and crippled, that the enlightened nations of the earth should see to it, on the final settlement of terms, that provision be made whereby never again should any autocrat or military clique be able—

To pour the sweet milk of concord into hell,
Uproar the universal peace,
And confound all unity on earth.

We might afford to spend a million dollars an hour again, but no nation can afford to sacrifice its best and bravest young men.

The crosses that speak of heroism and sacrifice, extending from the English Channel to the Swiss border, reach out their arms in mute appeal to the representatives of civilized peoples to see to it that such slaughter, destruction, and barbarity shall never again blight the earth.

With the security this league will give, peoples great and small, weak and powerful, poor and rich, all alike, without fear because without danger, will be able to work out their own destinies, encouraged and stimulated, and to proceed up the incline of progress with the promise and hope that in due time they may reach that high plane "where shines unobstructed the light of the justice of God."

There was serious and determined opposition to the Constitution of the United States when it was first submitted. Similar arguments were urged against it to those now pressed against the league of nations and the treaty now before us. Dangerous consequences were pictured. None of these undesirable things ever happened. The Constitution has been the model and

strength for struggling republics the world over and the rock upon which America has builded.

We must appreciate that civilization has received a terrible wrench. The aftermath of this latest and most destructive of all wars is yet threatening chaos. We should not forget that the world has three times, after reaching a high state of civilization, been plunged into darkness.

There have never been let loose upon the earth so many powers of evil. Not comprehending it would be the worst possible thing that could happen to all, these reckless and maddened forces seem willing to sink the human race into the medieval night of the tenth century.

United action of nations in support of orderly government against threatened anarchy is now a paramount necessity.

I appeal to the Senate to consent to this treaty as it is presented, and to do so promptly.

TREATY WITH GERMANY.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair) laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 5) to print 50,000 copies of the treaty with Germany in the English text alone, and without maps, etc., which were, in line 2, to strike out "fifty" and insert "sixty" and, in line 4, to strike out "ten" and insert "twenty."

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PEACE TREATY AND LEAGUE OF NATIONS.

Mr. THOMAS. Mr. President, the Senator from Arizona [Mr. SMITH] has requested me to give notice that to-morrow, at the conclusion of the remarks of the Senator from Nevada [Mr. PITTMAN], he would address the Senate upon the topic of the present discussion.

ADJOURNMENT.

Mr. LODGE. Mr. President, as it is now nearly 5 o'clock, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 25, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 24, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude to Thee our Father in Heaven, for that subtle and mysterious quality Thou hast woven into the soul of man we call love, which in times of great crises lifts man out of himself and makes him a hero.

When the Government and its sacred principles are threatened by an insidious foe, it makes him a patriot.

It forms the home and makes it the dearest spot on earth. Through it friendships are formed which never die—hence the congressional family has been stirred to its depths by the passing away of one of its Members.

It is the foundation of the immortality of the soul which brings comfort and solace to those who are stirred by the passing of a loved one. So we look up to Thee with faith and confidence in this hour of sorrow. Be with the friends of the deceased. Comfort the stricken widow and children with the blessed hope that sometime, somewhere, they shall feel the touch of his hand, hear his voice, and rejoice in his presence.

Hear us, we pray Thee, and so comfort and guide us on our way to the blessed reunion with our friends and loved ones; and all glory and praise shall be Thine through Him who died and lives, thus proving that life is stronger than death. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. WELTY. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 6810, the prohibition-enforcement law.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record on the prohibition-enforcement law. Is there objection?

There was no objection.

Mr. PARRISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by including an address of Assistant Secretary of Agriculture Ousley on the question of meat prices.